

## AN ACT

To provide for a Building Safety Code of the Commonwealth of the Northern Mariana Islands and for other purposes.

BE IT ENACTED BY THE SIXTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE:

1           Section 1. Addition. A new Chapter 1 is added to  
2           Division 7 of Title 2 of the Commonwealth Code to read as  
3           follows:

4                   "CHAPTER I. THE BUILDING SAFETY CODE

5                   Section 7101. Short Title. This Act may be cited  
6                   as the 'Building Safety Code.'

7                               ARTICLE 1. GENERAL

8                   Section 7111. Purpose. The purpose of this  
9                   Building Safety Code is to secure and promote the  
10                  safety, health and general welfare of the people of the  
11                  Northern Marianas by providing standards for the  
12                  location, design, material, construction, enlargement,  
13                  maintenance, use, occupancy, and moving of buildings and  
14                  structures in the Commonwealth. This Code and its  
15                  implementing rules and regulations are dedicated to the  
16                  development of better building construction and greater  
17                  safety for the citizens and residents of the  
18                  Commonwealth of the Northern Mariana Islands.

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1           Section 7112. Definitions. In this Chapter  
2           the following definitions apply:

3                   (a) 'Building' means any structure used or  
4                   intended for supporting or sheltering any use or  
5                   occupancy. Unless the context clearly requires a  
6                   different meaning, the word 'building' shall be  
7                   construed as if followed by the words 'or part or  
8                   parts thereof and all equipment therein'.

9                   (b) 'Building Safety Code', 'Safety Code', and  
10                  'Code' mean this Act and the codes and regulations  
11                  adopted under authority of this Act.

12                  (c) 'Building Safety Official' means the Chief  
13                  of the Building Safety Division of the Department  
14                  of Public Works, or his or her designee.

15                  (d) 'Construction' means the erection,  
16                  fabrication, reconstruction, demolition,  
17                  alteration, conversion, or repair of a building, or  
18                  the installation of equipment therein.

19                  (e) 'Dwelling' means any building or portion  
20                  thereof which contains living facilities, including  
21                  provisions for sleeping, eating, cooking, and  
22                  sanitation.

23                  (f) 'Enlargement' or 'Addition' means the  
24                  extension or increase in floor area or height of a  
25                  building or structure.

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1                   (g) 'Equipment' means facilities or  
2                   installations, including but not limited to,  
3                   plumbing, electrical, ventilating, air conditioning  
4                   systems, water treatment plants, electrical  
5                   generators, heating, and refrigerating facilities  
6                   or installations, and elevators, dumbwaiters,  
7                   escalators, boilers, and pressure vessels.

8                   (h) 'Family' means a group of persons related  
9                   by blood, marriage, or law living together in one  
10                  dwelling. Servants having common housekeeping  
11                  facilities with a family are part of the family for  
12                  purposes of this Code. For purposes of determining  
13                  whether a family has previously received a permit  
14                  for an owner-built, owner-occupied dwelling, a  
15                  family will be considered to be the same family  
16                  which received such permit, even though individual  
17                  children are no longer resident with the original  
18                  family or have been added to the family membership.  
19                  Individual children who no longer reside or no  
20                  longer intent to reside with the original family  
21                  shall be eligible for their own owner-builder  
22                  permit. In case of divorce the divorced spouse who  
23                  no longer resides in the previously permitted  
24                  dwelling shall be eligible for his or her own  
25                  owner-builder permit. In case of divorce where

1           neither divorced spouse continues to reside in the  
2           previously permitted dwelling, neither shall be  
3           eligible for an owner-builder permit.

4           (i) 'Owner-built, Owner-occupied Dwelling'  
5           means a structure, owned and constructed by any  
6           person or family who acts as the general contractor  
7           for, or as the provider of, all or the major part  
8           of the labor expended to build the structure, which  
9           structure is to be occupied as the principal  
10          residence of that person or family, and no part of  
11          which is to be leased, rented, or used for  
12          commercial purposes.

13          (j) 'Regulations' means a set of requirements,  
14          policies, standards, procedures and rules, adopted  
15          by the Building Safety Official in accordance with  
16          the Administrative Procedure Act and this Building  
17          Safety Code.

18          (k) 'Structure' means anything constructed or  
19          erected with a fixed location for occupancy or use.  
20          Section 7113. Applicability of the Code.

21          (a) General. This Code shall apply to the  
22          location, design, material, construction,  
23          enlargement, maintenance, use, occupancy and,  
24          moving of any building or structure within the  
25          Commonwealth 180 days after the effective date of

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1           this Code except as exempted in this Section or by  
2           regulation.

3                   (b) Traditional Structures Exempted.

4           Structures traditional to the Chamorro or  
5           Carolinian cultures, such as pala-palas,  
6           constructed primarily of natural materials  
7           indigenous to the Northern Mariana Islands are  
8           exempted from compliance with this Code.

9                   (c) Applicability to Additions, Alterations,  
10          or Repairs.

11                   (1) Additions or alterations may be made  
12           to any building or structure without requiring  
13           the existing building or structure to comply  
14           with the requirements of this Code,  
15           provided the addition or alteration itself  
16           conforms to the requirements of this Code for  
17           a new building or structure. Additions or  
18           alterations shall not be made to an existing  
19           building or structure which will cause the  
20           existing building or structure to be in  
21           violation of any of the provisions of this  
22           Code nor shall such additions or alterations  
23           cause the existing building or structure to  
24           become unsafe. Any building to be added to or  
25           altered to permit a change in occupancy or use

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1 shall comply with all requirements of the  
2 Zoning Code (Chapter 2 of this Division)  
3 pertaining to such occupancy or use.

4 (2) Repairs to a building or structure,  
5 the cost of which repairs do not exceed three  
6 thousand dollars (\$3,000) may be made without  
7 application or notice to the Building Safety  
8 Official; provided, that the term repairs  
9 shall not include the removal or cutting of  
10 any structural beam or load bearing support,  
11 or the removal or change of any required means  
12 of egress, or rearrangement of such parts of a  
13 structure effecting the existing requirements.

14 (d) Applicability to Existing Installations.

15 (1) Buildings and structures which are  
16 existing at the time of the adoption of this  
17 Code shall be allowed to have their existing  
18 use or occupancy continued.

19 (2) Where the use of a structure or  
20 building is changed, in whole or in part, the  
21 entire structure or building shall be made to  
22 comply with all provisions of this Safety Code  
23 applicable to that new use; provided that in  
24 the event of partial change where the dwelling  
25 parts are separated from other parts of the

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1 structure or building by an approved fire  
2 separation, only such dwelling part shall be  
3 made to comply with the provisions of this  
4 Safety Code.

5 (e) Applicability to Moved and Temporary  
6 Buildings and Structures.

7 (1) Buildings or structures moved either  
8 into or within the jurisdiction of this Code  
9 shall comply with the provision of this Code  
10 for new buildings or structures.

11 (2) Temporary structures such as fences,  
12 office trailers, sheds, and other  
13 miscellaneous structures used for the  
14 protection of the public around and in  
15 conjunction with construction work may be  
16 erected with a special expedited permit from  
17 the Building Safety Official for a limited  
18 period of time. Such buildings or structures  
19 need not comply with the type of construction  
20 or fire-resistance time periods required by  
21 this Code. The Permittee shall completely  
22 remove any temporary buildings or structures  
23 upon the expiration of the time limit stated  
24 in the permit. No dwelling structure may be  
25 erected with such an expedited permit.

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1                   (3) Temporary structures such as  
2                   reviewing stands, stages, canopies, outdoor  
3                   kitchens and other miscellaneous structures  
4                   used for public events of no more than one  
5                   week's duration are exempted from this Code.  
6                   Such temporary structures for public events of  
7                   longer duration may be erected with a special  
8                   expedited permit from the Building Safety  
9                   Official. Such structures used for private  
10                  purposes on private property are exempted from  
11                  this Code.

12                  (f) Applicability to Historic Buildings.  
13                  Repairs, alterations and additions necessary for  
14                  the preservation, restoration, rehabilitation or  
15                  continued use of a building or structure may be  
16                  made without complying with all the requirements of  
17                  this Building Safety Code when authorized by the  
18                  Building Safety Official, provided:

19                         (1) The building or structure has been  
20                         designated by official action of the Historic  
21                         Preservation Officer as having special  
22                         historical or architectural significance;

23                         (2) Any unsafe conditions are  
24                         corrected; and

25                         (3) The restored building or structure



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1                   will be no more hazardous in terms of personal  
2                   safety, fire safety, and sanitation than was  
3                   the unrestored building or structure.

4                   (g) Applicability to Buildings under  
5                   Construction. Buildings or structures which are  
6                   more than 25% constructed on the effective date of  
7                   this Code shall be exempted from compliance with  
8                   respect to such construction and with respect to  
9                   the remaining percentage of construction.  
10                  Provided, the owner of such building or structure  
11                  shall register such construction with the Building  
12                  Safety Official within 30 days of the effective  
13                  date of this Act and the Building Safety Official  
14                  shall certify the plans for such building or  
15                  structure for the purpose of establishing the  
16                  extent to which such construction is exempted.  
17                  Subsequent enlargement or alteration of such  
18                  building or structure shall comply with this Code  
19                  as herein provided. The Board shall, by  
20                  regulation, establish standards and procedures for  
21                  determination of the percentage of construction,  
22                  using the schedule of values agreed upon between  
23                  the contractor and the owner or such other system  
24                  as shall be appropriate and fair.

25                  (h) Proper Maintenance of Buildings. All

1 devices or safeguards which are required by this  
2 Safety Code shall be maintained by the owner of  
3 the building or structure, or the owner's  
4 designated agent, at the minimum in conformance  
5 with the provisions of the Safety Code in effect  
6 at the time of installation. Buildings or  
7 structures permitted under the modification of  
8 Code provisions of Section 7114 shall be  
9 maintained in conformance with such modification.

10 Section 7114. Authority to Modify the Code.

11 Whenever there are practical difficulties involved in  
12 carrying out the provisions of this Code, the Building  
13 Safety Official at the request of the permit applicant  
14 shall recommend to the Building Safety Review Board a  
15 grant of modification for the permit applicant's  
16 individual case, provided the Building Safety Official  
17 shall first find that a special individual reason  
18 makes the strict letter of this Code impractical and  
19 that the modification is in conformity with the intent  
20 and purpose of this Code and that such modification  
21 does not lessen any fire protection requirements or  
22 will not detrimentally affect the structural integrity  
23 designed to be achieved by the provisions of this  
24 Safety Code or of any regulation adopted under the  
25 authority of this Safety Code. The details of any

1           action granting modifications shall be recorded and  
2           entered in the files of the Building Safety Division.

3           Section 7115. Alternate Materials and Methods of  
4           Construction.

5                   (a) The provisions of this Building Safety  
6           Code are not intended to prevent or discourage the  
7           use of any device, equipment, material, or method  
8           of construction not specifically prescribed by this  
9           Code, provided that any such alternative has been  
10          approved and its use expressly authorized in  
11          writing by the Building Safety Official.

12                  (b) The proponent shall file a request for  
13          authorization to use the proposed new or alternate  
14          material, method, device or equipment, accompanied  
15          by proof in support of the claims regarding the  
16          consistency of the proposed use with the standards  
17          established by this Safety Code.

18          Section 7116. Testing to Prove Compliance.

19                  (a) Whenever there is insufficient evidence  
20          that any material or any construction method meets  
21          the requirements of this Safety Code or in order to  
22          prove claims for alternate materials or methods of  
23          construction, the Building Safety Official may  
24          require tests and proof of compliance, to be made  
25          at no expense to the Building Safety Division by an

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1 independent agency or laboratory approved by the  
2 Building Safety Official.

3 (b) The tests shall be performed in accordance  
4 with generally recognized standard test procedures  
5 for the proposed use. In the absence of such  
6 standard test procedures, the Building Safety  
7 Official may specify the test procedure.

8 Section 7117. Survey and Record of Buildings.

9 (a) As the Building Safety Official receives  
10 requests for use, occupancy, expansion,  
11 improvement, and repair and, as funding permits,  
12 additional surveying, within 3 years from the  
13 effective date of this Code, the Building Safety  
14 Official shall conduct a survey of all buildings  
15 and structures in the Commonwealth. The Building  
16 Safety Official shall establish and maintain a  
17 complete, current record of each and every building  
18 and structure surveyed, its use, nature, and  
19 physical condition.

20 (b) The Building Safety Official shall keep  
21 official records of plans, specifications,  
22 computations, and applications received, permits  
23 and certificates issued, fees collected, reports  
24 of inspections, and notices, rules, regulations,  
25 decisions and orders issued. File copies of

1 papers in connection with building operations  
2 shall be retained in the official records as long  
3 as the building or structure to which they relate  
4 remains in existence.

5 ARTICLE 2. ENFORCEMENT REQUIREMENTS

6 Section 7121. Establishment of the Building Safety  
7 Division. There is in the Department of Public Works a  
8 Building Safety Division. The Building Safety Division  
9 shall be headed by a division chief known as the  
10 Building Safety Official. The Building Safety Official  
11 shall be a registered architect or engineer or a  
12 Building Official certified by the International Council  
13 of Building Officials and shall have at least five  
14 years of relevant, appropriate experience.

15 Section 7122. Powers and Duties of the Building  
16 Safety Official.

17 (a) General. The Building Safety Official  
18 shall educate the public concerning the Building  
19 Safety Code and shall enforce all of its  
20 provisions.

21 (b) Deputies. In accordance with prescribed  
22 procedures, the Building Safety Official shall  
23 select a qualified Chief Plans Examiner, who  
24 shall be a registered architect or engineer  
25 licensed to practice in the Commonwealth, and

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1           such other related technical officers, inspectors  
2           or administrative employees as are required to  
3           accomplish the intent and purposes of this Safety  
4           Code. They shall be exempt from the application  
5           of the Commonwealth Civil Service Act, Part 1  
6           (commencing Section 8101) of Division 8 of Title  
7           1. The Building Safety Review Board may set the  
8           wage and salary scales of the Division, which  
9           shall be commensurate with those paid in the  
10          Commonwealth for work requiring comparable  
11          education, training, and experience. Further,  
12          they shall be provided with the training and  
13          resources to carry out their duties.

14                 (c) Right of Entry. Whenever necessary to  
15          make an inspection to enforce any of the provisions  
16          of this Safety Code or whenever the Building Safety  
17          Official has reasonable cause to believe that there  
18          exists in any building or upon any premises any  
19          condition or code violation which makes such  
20          building or premises unsafe, dangerous or  
21          hazardous, the Building Safety Official or the  
22          Building Safety Official's authorized  
23          representative may enter such building or premises  
24          at any reasonable time to inspect the same or to  
25          perform any duty imposed upon the Building Safety

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1           Official by this Act; Provided, that if such  
2           building or premises be unoccupied, the Building  
3           Safety Official or the authorized representative  
4           shall first make a reasonable effort to locate the  
5           owner or other persons having charge or control of  
6           the building or premises and request entry. If any  
7           entry is refused, the Building Safety Official or  
8           the authorized representative may obtain a court  
9           ordered warrant for entry and shall have recourse  
10          to every other means provided by law to secure  
11          entry.

12                   (d) Stop Work Orders. Whenever any  
13          construction is being done contrary to the  
14          provisions of this Safety Code the Building Safety  
15          Official shall enforce the Code by ordering the  
16          construction stopped by notice in writing served on  
17          the owner or the construction supervisor, or, in  
18          the event neither the owner nor the supervisor is  
19          at the building or on the premises, on any persons  
20          engaged in or causing such construction to be done,  
21          and any such person or persons shall promptly stop  
22          such construction until the project is in  
23          compliance with this Code and continuation of work  
24          is authorized by the Building Safety Official. If  
25          any stop work order is not complied with, the

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1 Building Safety Official may obtain a court ordered  
2 injunction and shall have recourse to every other  
3 means provided by law to stop such construction.

4 (e) Use Violations. Whenever any building or  
5 structure or equipment that is regulated by this  
6 Code is being used contrary to the provisions of  
7 this Code, the Building Safety Official may order  
8 such use discontinued and the structure or portion  
9 thereof vacated by notice served on the owner or  
10 building manager or, if neither the owner nor the  
11 building manager are at the building or on the  
12 premises, on any person causing the unauthorized  
13 use to be continued. Such person or persons shall  
14 discontinue the use within the time prescribed by  
15 the Building Safety Official after receipt of a  
16 notice to make the structure, or portion thereof,  
17 comply with the requirements of this Code. If any  
18 such order is not complied with, the Building  
19 Safety Official may obtain a court ordered  
20 injunction against such use and shall have recourse  
21 to every other means provided by law to secure  
22 discontinuation of the use.

23 (f) Liability. This Act shall not be  
24 construed to relieve from or lessen the  
25 responsibility of any person owning, operating, or



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1 controlling any building or structure for any  
2 damages to persons or property caused by defects;  
3 nor shall the Building Safety Division or the  
4 Commonwealth Government be held as assuming any  
5 such liability by reason of the permit or  
6 inspection authorized by this Code or any  
7 certificate of inspection issued under this Act.

8 (g) Cooperation of Other Officials and  
9 Officers. The Building Safety Official may  
10 request, and shall receive so far as is required in  
11 the discharge of his or her duties, the assistance  
12 and cooperation of any other officials of the  
13 Commonwealth Government.

14 (h) Regulations. The Building Safety  
15 Official shall issue regulations as required  
16 under Section 7153 and shall endorse model house  
17 plans under Section 7151.

18 (i) Education. The Building Safety Official  
19 shall undertake and be responsible for the  
20 education of the general public, particularly  
21 owner-builders of owner-occupied dwellings, with  
22 respect to the purposes, provisions, and  
23 requirements of this Safety Code, the plan review  
24 services provided by the Building Safety Division,  
25 and economical and energy and water conservative

1 building materials, methods and equipment.

2 (j) Annual Report. The Building Safety  
3 Official shall report annually to the Legislature  
4 on the work of the Building Safety Division,  
5 recommending such additions or revisions of the  
6 Building Safety Code as may be appropriate.

7 Section 7123. Restrictions on Employees. No  
8 employee of the Building Safety Division, or other  
9 officer of the Commonwealth Government engaged in  
10 administering or enforcing the provisions of this Safety  
11 Code, shall, during the term of his or her employment,  
12 be engaged directly or indirectly in any building  
13 business, enter into any building contracts or furnish  
14 building materials, plans or specifications for others.  
15 However, such employee or officer may design, construct,  
16 or contract for the design or construction of a building  
17 or structure for his or her own use after having so  
18 declared in writing his or her intention to do so to the  
19 Building Safety Official. No such employee or officer  
20 shall be involved with the enforcement or any approvals  
21 required under this Safety Code of any such building or  
22 structure.

23 Section 7124. Unsafe Buildings or Structures.

24 (a) All buildings or structures to which this  
25 Safety Code applies which are structurally unsafe

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1 or not provided with adequate egress, or which  
2 constitute a fire hazard, or are otherwise  
3 dangerous to human life, as determined by this  
4 Safety Code, are, for the purpose of this section,  
5 'unsafe'. Any use of buildings or structures  
6 constituting a hazard to safety, health, public  
7 welfare, or the natural environment by reason of  
8 inadequate maintenance, dilapidation, fire hazard,  
9 disaster, damage, or abandonment, or wear and tear,  
10 is for the purpose of this section, an 'unsafe  
11 use'. Parapet walls, cornices, spires, towers,  
12 tanks, signs, statuary and other appendages or  
13 structural members which are supported by, attached  
14 to, or a part of a building and which are in  
15 deteriorated condition or otherwise unable to  
16 sustain the design loads which are specified in  
17 this Code are hereby designated as 'unsafe building  
18 appendages'.

19 (b) All such unsafe buildings, structures,  
20 or appendages are declared to be public nuisances  
21 and shall be corrected by repair, rehabilitation,  
22 demolition or removal in accordance with the  
23 procedures established by the Building Safety  
24 Official.

25 Section 7125. Building Safety Code Review Board.

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1                   (a) Creation of Board. A Building Safety Code  
2                   Review Board is established in the Commonwealth  
3                   Government, consisting of seven members, who shall  
4                   be appointed by the Governor with the advice and  
5                   consent of the Senate.

6                   (b) Purpose. The Building Safety Code  
7                   Review Board is established to review challenged  
8                   decisions of the Building Safety Official and  
9                   grant modifications of the Code under provisions  
10                  of Section 7114.

11                  (c) Composition. The Board shall consist of a  
12                  licensed architect, and a licensed engineer, the  
13                  President of the CNMI Contractors Association or  
14                  his or her designee, the President of the Chamber  
15                  of Commerce or his or her designee, and three  
16                  members who are private citizens and who shall  
17                  have no personal financial interest in the  
18                  construction industry in the CNMI. The members  
19                  shall choose a Chairman and Vice-Chairman.

20                  (d) Term. Members shall serve for a term of  
21                  five years beginning from their date of  
22                  confirmation by the Senate, except the President of  
23                  the CNMI Contractors Association and the President  
24                  of the Chamber of Commerce or designee shall serve  
25                  until replaced in their respective positions by

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1           their appointing authority. The term of a member  
2           appointed by the Governor to fill a vacancy shall  
3           be five years beginning from the date of  
4           confirmation by the Senate.

5                   (e) Compensation. The members of the Board  
6           shall receive compensation and reimbursement of  
7           expenses pursuant to 1 CMC Section 8247.

8                   (f) Meetings. The Board shall meet as  
9           necessary to discharge its responsibilities. The  
10          Chairman or any two members may call a meeting. A  
11          quorum of five members shall be required to  
12          to convene a meeting.

13                  Prior public notice of meetings shall be made  
14          in, at least, one medium of general circulation  
15          in the Commonwealth for one week prior to the  
16          meeting. Meetings of the Board shall be conducted  
17          at a public location and be open to the public.

18                  The Board shall adopt rules of procedure  
19          necessary for the conduct of its operations and  
20          meetings, including procedures for public notice of  
21          meetings and decisions of the Board. All decisions  
22          of the Board shall be made at public meetings by a  
23          majority vote of the quorum convening the meeting.  
24          A written record of all Board decisions, including  
25          the reasons for such decisions, shall be kept

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1 and shall be available for public inspection.

2 (g) Appeals From Final Determinations of the  
3 Building Official.

4 (1) Any person adversely affected or  
5 aggrieved by a determination of the Building  
6 Safety Official may appeal such decision to  
7 the Building Safety Code Review Board. The  
8 appeal shall be filed within 90 days after the  
9 Building Safety Official issues any final  
10 order, requirement, regulation, decision, or  
11 other determination. The fee for filing an  
12 appeal shall be established by the Board.

13 (2) Within 30 days from the filing of a  
14 complete application for an appeal, the Board  
15 shall in a written decision with a statement  
16 of reasons uphold, modify, or reverse the  
17 determination of the Building Safety Official.  
18 The Board shall uphold the determination of  
19 the Building Safety Official unless it is:

20 (A) clearly erroneous under the  
21 Building Safety Code;

22 (B) in violation of applicable  
23 constitutional or statutory provisions;

24 (C) arbitrary or capricious; or

25 (D) not adopted in accordance with

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1 required procedures.

2 (3) In the event the Board fails to make  
3 a decision within 30 days, the appellant may  
4 petition for and receive a court order  
5 directing the Board to comply with the Code.  
6 An applicant who receives such relief shall  
7 also be awarded his costs of litigation and  
8 attorneys fees.

9 (h) Appeal of Board Decision. Any party  
10 aggrieved by the decision of the Board may obtain  
11 further review pursuant to the Administrative  
12 Procedure Act (1 CMC Section 9101 et seq.).

13 (i) Staff. Subject to budgetary  
14 appropriation, the Board may employ staff as  
15 required to assist it in performing its duties.  
16 Section 7126. Violations of the Code.

17 (a) It shall be unlawful for any person, firm  
18 or corporation to construct, enlarge, move, equip,  
19 use, occupy or maintain any building or structure,  
20 or cause to permit the same to be done, in  
21 violation of any provisions of this Building Safety  
22 Code. If a violation of the Building Safety Code  
23 has occurred, the Building Safety Official shall  
24 require the completion of corrective measures that  
25 result in compliance with the Building Safety Code

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1 before occupancy of the building is permitted.

2 (b) Civil Penalty. In addition to the powers  
3 of the Building Safety Official under Section  
4 7122(d) and (e), the Building Safety Official shall  
5 establish by regulation a system of civil  
6 penalties, gradated by severity and type of  
7 violation, and not to exceed \$10,000 or 1% of the  
8 total value of the project, whichever is greater,  
9 per day for Code violations, and may obtain  
10 injunctive relief from sale, delivery, use,  
11 occupancy, construction, or removal of any building  
12 covered by this Building Safety Code, upon an  
13 affidavit of the Building Safety Official  
14 specifying the manner in which the building does  
15 not conform to the Building Safety Code.

16 (c) Criminal Penalty. In addition to all  
17 other remedies or penalties hereunder, any person  
18 who knowingly and willfully commits an offense  
19 under subsection (a) shall upon conviction be  
20 imprisoned for not more than six months or fined  
21 not more than \$50,000 or both.

22 (d) Private Action. Notwithstanding any other  
23 remedies available, any person damaged  
24 economically, injured, or otherwise aggrieved as a  
25 result of a violation of the Building Safety Code



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1 has a cause of action against the person who  
2 committed the violation. Violation of the Building  
3 Safety Code shall constitute a per se public  
4 nuisance. An award shall include damages and the  
5 costs of litigation including reasonable attorneys'  
6 fees.

7 ARTICLE 3. PERMIT REQUIREMENTS

8 Section 7131. Building Permits.

9 (a) Permits Required. Except as exempted by  
10 this Code, before a person commences construction,  
11 enlargement, or removal of any building or  
12 structure, such person shall first obtain from the  
13 Building Safety Official a separate permit for each  
14 building or structure.

15 Prior to application for a building permit  
16 such person shall first obtain all other applicable  
17 permits required by law from the Department of  
18 Environmental Quality, Historical Preservation  
19 Office, Coastal Resources Management Office, U. S.  
20 Army Corps of Engineers, or other Federal or  
21 Commonwealth Government agency regulating the  
22 particular activity for which a building permit  
23 will also be required.

24 (b) Expedited Permits. The Building Safety  
25 Official shall publish a list of those types of

1 works or projects which may receive expedited  
2 building permits. Receipt of an expedited building  
3 permit shall not be construed to grant  
4 authorization for any work to be done in any manner  
5 in violation of the provisions of this Building  
6 Safety Code or any other Commonwealth law.

7 (c) Application. The Building Safety Official  
8 shall establish by regulation the procedure for the  
9 application for and issuance of any building or  
10 occupancy permit, including a time frame under  
11 which such application will be reviewed.

12 (d) Plans On Site. Plans, drawings, and  
13 specifications upon which a building permit has  
14 been issued shall be kept on the building site at  
15 all times while the permitted activity is being  
16 conducted and shall be available to the Building  
17 Safety Official at all such times. All such  
18 documents shall be written in the English language.

19 Section 7132. Required Fees.

20 (a) Permit Fees.

21 (1) The Building Safety Official may  
22 charge and collect reasonable fees for  
23 building permit applications, plan review,  
24 inspections, and other procedures authorized  
25 under the provisions of this Code. The fees

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1 shall be established by the Building Safety  
2 Official with the approval of the Building  
3 Safety Code Review Board and shall be set  
4 forth in the regulations. The fee for a  
5 building permit may vary based on the proposed  
6 use or occupancy and value.

7 (2) The determination of value or  
8 valuation under any of the provisions of this  
9 Code shall be made by the Building Safety  
10 Official. The value to be used in computing  
11 the building permit and building plan review  
12 fees shall be the total value of all  
13 construction work for which the permit is  
14 issued as well as the value of all finish  
15 work, painting, roofing, electrical, plumbing,  
16 heating, air conditioning, elevators, fire  
17 extinguishing systems, and any other permitted  
18 equipment.

19 (3) The Building Safety Official shall  
20 provide for a system of fee credits for  
21 structures or equipment designed to produce  
22 energy from renewable sources, conserve  
23 energy, or collect or store rainwater.

24 (b) Plan Review Fees. When a plan or other  
25 data are required to be submitted, a reasonable

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1 plan review fee shall be paid at the time of  
2 submitting plans and specifications for review.  
3 Except, applicants for owner-builder permits and  
4 persons employing the predesigned residential house  
5 plans described in Section 7151, herein, shall not  
6 be required to pay such a fee with respect to such  
7 owner-built or predesigned dwellings. The  
8 Building Safety Official shall establish by  
9 regulation a time frame in which plan reviews  
10 shall be accomplished.

11 (c) Owner-Builder Permits. The Building  
12 Safety Official shall issue permits for  
13 owner-built, owner-occupied dwellings free of  
14 charge and on an expedited basis. No more than one  
15 (1) building permit for initial construction of an  
16 owner-built, owner-occupied dwelling shall be  
17 issued to the same person or for the same family in  
18 any ten (10) year period. Permits for structures  
19 appurtenant to the owner-built, owner-occupied  
20 dwelling, such as outdoor kitchens, carports, and  
21 housing for domestic livestock, are exempted from  
22 payment of any fee for a building permit.

23 The Building Safety Official shall use the  
24 permit process as an opportunity to educate  
25 owner-builders concerning the plan review services

1 of the Building Safety Division and the  
2 availability of safe, energy efficient,  
3 environmentally appropriate house plans from the  
4 Division.

5 The Building Safety Official shall examine  
6 owner-builders' plans for compliance with all  
7 applicable electrical standards of the Commonwealth  
8 Utility Corporation (CUC) and shall certify those  
9 plans which meet those standards. The Commonwealth  
10 Utility Corporation shall accept such certification  
11 in lieu of any other certification or sealing  
12 required by CUC with respect to residential  
13 electrical systems. Such certification shall not  
14 exempt an owner-built residence from any inspection  
15 of the residence required by CUC as a  
16 precondition for connection of the residence to the  
17 public electrical system.

18 7133. Inspection. All construction or work for  
19 which a permit is required shall be subject to  
20 inspection by the Building Safety Official. Any  
21 inspection requested by a permittee shall be conducted  
22 by the Building Safety Official within 48 hours of the  
23 request.

24 ARTICLE 4. TECHNICAL REQUIREMENTS

25 Section 7141. General. The purpose of this

1 Article is to set forth the technical procedures,  
2 requirements and minimum standards which shall regulate  
3 and control the design, construction, enlargement,  
4 quality of materials, use and occupancy, location,  
5 removal, and maintenance of all buildings and structures  
6 and electrical, plumbing, mechanical and boiler  
7 installations within the Northern Mariana Islands, and  
8 certain equipment specifically regulated herein.

9 Section 7142. Uniform Building Code Adopted.  
10 Except as otherwise provided by this code, all design,  
11 construction, enlargement, removal, and use of any  
12 building or structure within the Northern Mariana  
13 Islands, except work located in a public right-of-way,  
14 not specifically regulated herein, and hydraulic flood  
15 control structures, shall conform to the requirements of  
16 Parts II, III, IV, V, VI, VII, VIII, IX, X, and XI, and  
17 Appendix of the 1988 edition of the Uniform Building  
18 Code published by the International Conference of  
19 Building Officials. Except, Section 1212 of Part III,  
20 Chapters 12, 23, and 49 of the Appendix, and Section  
21 7007 of Chapter 70 of the Appendix are not so adopted.

22 Section 7143. CABO Code Adopted. Single family  
23 dwellings and duplexes not requiring special  
24 architectural or engineering design shall comply with  
25 the requirements of Part I (Section R-115), Parts II,

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1           III, IV, V, VI, VII, VIII and the Appendices of the 1986  
2           edition of the Council of American Building Officials  
3           (CABO) Code for one and two family dwellings.  
4           Requirements for such dwellings in the Uniform Building  
5           Code are superseded by the adoption of the CABO Code in  
6           this Section.

7           Section 7144. Adoption of Other Codes and  
8           Requirements; Modifications of Existing Codes.

9                   (a) The Building Safety Official may adopt, as  
10                  appropriate for the Northern Mariana Islands, other  
11                  national and uniform codes and standards, or  
12                  amendments to previously adopted codes and  
13                  standards, covering energy conservation, termite  
14                  protection of concrete structures,  
15                  mechanical, electrical, plumbing, air conditioning  
16                  systems, boilers, water treatment plants,  
17                  generators, and other such installations. The  
18                  codes, standards, and amendments shall be listed in  
19                  the Regulations.

20                   (b) The Building Safety Official shall  
21                  recommend to the Legislature appropriate  
22                  modifications to be made in the Uniform Building  
23                  Code and CABO Code adopted herein, in light of the  
24                  experience of the Official in providing for such  
25                  modifications on a case by case basis under the

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1 provisions of Section 7114.

2 Section 7145. Precedence of Commonwealth Building  
3 Safety Code.

4 (a) Where conflicts or contradictions exist  
5 between provisions of this Code or the regulations  
6 issued hereunder and the Uniform Building Code or  
7 the CABO Code, then the Commonwealth Building  
8 Safety Code shall apply.

9 (b) Reference in the Uniform Building Code or  
10 the CABO Code to the 'building official' or the  
11 'Board of Appeals' shall be taken to mean the  
12 Building Safety Official or Building Safety Code  
13 Review Board, respectively, as established herein.

14 (c) No inspection, nor any certificate of  
15 approval, inspection, or occupancy, required by the  
16 Uniform Building Code or the CABO Code, shall be  
17 required in the Commonwealth unless such  
18 requirement is specifically adopted by regulation  
19 by the Building Safety Division or by amendment of  
20 this Building Safety Code by the Legislature.

21 Section 7146. Earthquake Design Requirements. At  
22 a minimum, every building or structure and every portion  
23 thereof, to which this Code applies and construction of  
24 which begins after the effective date of this Code,  
25 shall be designed and constructed to adequately resist



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1 earthquake forces as defined and set forth in the  
2 Uniform Building Code, or in the case of single-family  
3 homes and duplexes as defined and set forth in the CABO  
4 Code. For purposes of earthquake design requirements,  
5 the Northern Mariana Islands are declared to be in  
6 Seismic Zone 3.

7 Section 7147. Typhoon Design Requirements. Every  
8 building and structure and every portion thereof, to  
9 which this Code applies and construction of which begins  
10 after the effective date of this Code, shall be designed  
11 and constructed to withstand the minimum horizontal and  
12 uplift pressures set forth in the Regulations, but in no  
13 case may the design wind velocity be less than 155 miles  
14 per hour.

15 Section 7148. Flood Hazard Design Requirements.  
16 Every building and structure and every portion thereof,  
17 to which this Code applies, construction of which  
18 begins after the effective date of this Code, and which  
19 is to be built on an area designated as a SPECIAL FLOOD  
20 HAZARD AREA by the U.S. Department of Housing and Urban  
21 Development or by the appropriate local authority shall  
22 be designed to withstand flood waters generated by a  
23 storm of the frequency of occurrence of 100 years. The  
24 Regulations shall contain a map of such areas and  
25 specific guidance and standards for alleviation of flood

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1 hazards.

2 Section 7149. Water Conservation Systems Required.

3 (a) The Building Safety Official shall require  
4 the construction of water catchment facilities in  
5 all buildings to which this Code applies,  
6 construction of which begins after the effective  
7 date of this Code. To the greatest extent feasible  
8 such catchments shall be sized so as to provide  
9 adequate water for all flushing of toilets in the  
10 building.

11 (b) The Building Safety Official is encouraged  
12 to approve alternative systems of sewage disposal  
13 that result in the conservation of potable water  
14 and meet all applicable standards of public health.

15 Section 7150. Fire Safety Systems Required. The  
16 Building Safety Official may prohibit the installation  
17 of certain grilled windows if he or she finds that  
18 they pose a fire safety hazard.

19 Section 7151. Availability of Predesigned  
20 Residential House Plans; Plan Review Service.

21 (a) Within one year after the effective date  
22 of the Building Safety Code, and from time to time  
23 as funds are available and as design theory evolves  
24 and new technologies become available or more cost  
25 effective, the Building Safety Official shall

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1                   officially endorse and to the extent feasible cause  
2                   to be designed and engineered, various model plans  
3                   for single-family dwellings, which shall be  
4                   available free of charge, except for the cost of  
5                   reproduction, to any member of the public.

6                   (b) The plans shall particularly emphasize  
7                   inexpensive, but efficient design and construction  
8                   techniques, practicality for the owner-builder,  
9                   suitability for the environmental conditions  
10                  prevalent in the Northern Marianas, and low energy  
11                  and water consumption.

12                  (c) The plans shall meet all requirements of  
13                  this Building Safety Code and the minimum  
14                  requirements of the CABO Code, as modified by  
15                  regulation of the Building Safety Division. The  
16                  Plans shall be certified by CNMI registered  
17                  professional architects and engineers and shall be  
18                  professional architects and engineers and shall be  
19                  eligible for immediate issuance of a building  
20                  permit.

21                  (d) The Building Safety Division shall provide  
22                  a free plan review service for owner-builders of  
23                  residential buildings such that upon application  
24                  for a permit the owner-builder may obtain advice  
25                  and guidance in practical, low cost,

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1                   environmentally suitable, design and construction,  
2                   and energy and water conservation techniques and  
3                   technologies which can be incorporated into the  
4                   dwelling.

5                   Section 7152. Architectural Review Standards.

6                   Within one year from the effective date of this Building  
7                   Code the Building Safety Official shall prepare a set of  
8                   Architectural Design Standards to apply to all  
9                   buildings, except owner-built, owner-occupied dwellings,  
10                  constructed within 150 feet of the center line of Beach  
11                  Road and the West Coast Highway between Puntan Agingan  
12                  and the war memorials at Suicide Cliff. The  
13                  Architectural Review Standards shall establish  
14                  quantifiable criteria regarding off-street parking  
15                  space, landscaping, building heights and such other  
16                  architectural or design features as the Building Safety  
17                  Official deems appropriate to provide for the creation  
18                  and preservation of an aesthetically pleasing  
19                  thoroughfare, compatible with needs of the tourism  
20                  industry and the life of the villages through which  
21                  these roads pass. The Building Safety Official shall  
22                  submit the Architectural Review Standards in statutory  
23                  form to the Legislature for enactment into law.

24                  Section 7153. Issuance of Building Safety Code

25                  Regulations. Within 180 days of the effective date of

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1           this Building Safety Code the Building Safety Official  
2           shall issue and implement Building Safety Code  
3           Regulations specifying codes and standards for all  
4           construction to which this Code applies with respect to  
5           such standards in general, and for specific mechanical,  
6           electrical, and plumbing installations, air conditioning  
7           systems, water treatment plants, electrical generators,  
8           and boiler installations, fire protection and energy and  
9           water conservation, materials and procedures, and design  
10          criteria, as well as procedures for the application and  
11          issuance of building and occupancy permits, inspections,  
12          and other matters of construction not specifically  
13          covered by this Building Code."

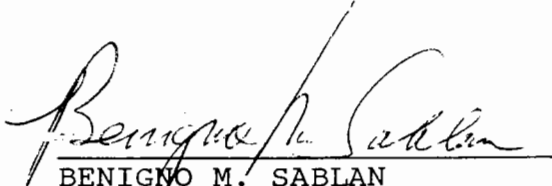
14          Section 2. Authorization For Appropriation. There is  
15 hereby authorized to be appropriated from the General Fund of  
16 the Commonwealth the sum of three hundred fifty thousand  
17 dollars (\$350,000) to be used, upon appropriation, to carry  
18 out the intent and purposes of this Act. The Building Safety  
19 Division and the Building Safety Code Review Board shall be  
20 funded annually as appropriate.


21          Section 3. Severability. The provisions of this  
22 Building Safety Code are severable.

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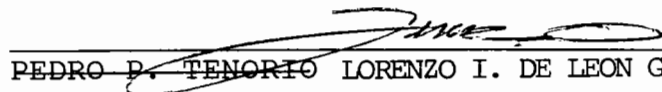
1           Section 4. Effective Date. This Building Safety Code  
2           shall take effect upon approval by the Governor or upon  
3           becoming law without such approval.

ATTESTED BY:

  
BENIGNO M. SABLAN  
Vice Speaker  
House of Representatives

  
FRANCES P. HERNANDEZ  
Acting House Clerk

APPROVED FEB. 2<sup>nd</sup>, 1990

  
PEDRO D. TENORIO LORENZO I. DE LEON GUERRERO  
Governor  
Commonwealth of the Northern Mariana Islands