

**TITLE 155: DEPARTMENT OF PUBLIC WORKS**

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**SUBCHAPTER 155-10.1  
BUILDING SAFETY CODE RULES AND REGULATIONS**

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Subchapter Authority: 1 CMC § 2404; 2 CMC § 7153.

Subchapter History: Amdts Adopted 31 Com. Reg. 29744 (Aug. 27, 2009); Amdts Proposed 31 Com. Reg. 29538 (May 20, 2009); Emergency 31 Com. Reg. 29483 (May 29, 2009); Amdts Proposed 15 Com. Reg. 10556 (Apr. 15, 1993);\* Adopted 12 Com. Reg. 7508 (Dec. 15, 1990); Proposed 12 Com. Reg. 7321 (Sept. 15, 1990).

\*A notice of adoption for the April 1993 proposed amendments was never published.

Commission Comment: PL 1-8, tit. 1, ch. 15, codified as amended at 1 CMC §§ 2401-2405, creates the Department of Public Works (DPW) within the Commonwealth government. See 1 CMC § 2401. 1 CMC § 2404 directs the Department to adopt rules and regulations regarding those matters over which it has jurisdiction.

Title 2, division 7, chapter 1 of the Commonwealth Code sets forth the building safety code for the Commonwealth. See 2 CMC §§ 7101-7181. 2 CMC § 7121 creates a Building Safety Division within the Department of Public Works, headed by the building safety official. The building safety official is charged with enforcing the provisions of the building safety code. 2 CMC § 7122. 2 CMC § 7153 directs the building safety official to issue building safety regulations.

On June 3, 1986, DPW proposed “Regulations Governing the Use of Public Sewers.” See 8 Com. Reg. 4400 (June 3, 1986). A notice of adoption was never published.

On October 22, 1986, DPW promulgated, pursuant to 9 CMC § 5201, emergency “Regulations Governing Traffic Signs, Signals, Markings and Speed Restrictions.” See 8 Com. Reg. 4724 (Nov. 17, 1986) (effective 120 days from Oct. 22, 1986). A notice of permanent adoption was never published.

### **Part 001 - General Provisions**

#### **§ 155-10.1-001 Authority**

The regulations in this subchapter are promulgated pursuant to the authority of the Building Safety Code, Public Law 6-45, as amended.

Modified, 1 CMC § 3806(d), (f).

History: Amdts Adopted 31 Com. Reg. 29744 (Aug. 27, 2009); Amdts Proposed 31 Com. Reg. 29538 (May 20, 2009); Emergency 31 Com. Reg. 29483 (May 29, 2009); Adopted 12 Com. Reg. 7508 (Dec. 15, 1990); Proposed 12 Com. Reg. 7321 (Sept. 15, 1990).

#### **§ 155-10.1-005 Existing Structures**

The following specified provisions shall apply to existing buildings and structures:

(a) It shall be unlawful to make any change in the use or occupancy of any structure or

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building without the approval of the building safety official and his certification that such new use of the structure or building is permitted under the Safety Code and the regulations in this subchapter and that such change does not result in a greater hazard to public safety or welfare. Such change in use must also comply with the requirements of the zoning code, Public Law 5-32.

(b) If a building is increased in floor space or number of stories, the entire building or structure shall be made to conform to the requirements of the Safety Code and the regulations in this subchapter.

(c) Where alterations or repairs are made within any period of twelve months which affects or includes in excess of fifty percent of the existing floor space area, the entire structure or building shall be made to comply with the provisions of the Safety Code and the regulations in this subchapter applicable to new buildings and structures. Exception: if the new construction is separated from the existing by fire walls of 2 houses or greater than existing construction does not have to comply.

(d) Ordinary repairs to buildings or structures, of which repairs do not, within the twelve months period, exceed twenty-five percent of the existing floor space area of the building or structure, may be made without application or notice to the building safety official; provided, that the term ordinary repairs shall not include the removal or cutting of any structural member or support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the existing requirements; nor shall ordinary repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring, or other work affecting public health, safety or welfare.

Modified, 1 CMC § 3806(d), (e), (f).

History: Adopted 12 Com. Reg. 7508 (Dec. 15, 1990); Proposed 12 Com. Reg. 7321 (Sept. 15, 1990).

Commission Comment: The Commission inserted a comma after the word “wiring” pursuant to 1 CMC § 3806(g).

### **§ 155-10.1-010 Compliance Required**

No building or structure shall be constructed, extended, repaired, or altered in violation of the provisions of the Safety Code and the regulations in this subchapter, except for ordinary repairs as defined in § 155-10.1-005(d); and except further, that the raising or lowering or moving of a building or structure as a unit necessitated by a change in grade or the widening of a street shall be permitted; provided, that the building or structure is not otherwise altered or its use or occupancy changed.

Modified, 1 CMC § 3806(c), (d), (f).

History: Adopted 12 Com. Reg. 7508 (Dec. 15, 1990); Proposed 12 Com. Reg. 7321 (Sept. 15, 1990).

Commission Comment: The Commission inserted a comma after the word “repaired” pursuant to 1 CMC § 3806(g).

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### **§ 155-10.1-015 Administration and Enforcement**

The administration and enforcement of the provisions of the Safety Code and the regulations in this subchapter shall be the responsibility and duty of the building safety official.

Modified, 1 CMC § 3806(d), (f).

History: Adopted 12 Com. Reg. 7508 (Dec. 15, 1990); Proposed 12 Com. Reg. 7321 (Sept. 15, 1990).

### **§ 155-10.1-020 Cooperation from Public Agencies and Application to Public Buildings**

Officials of other departments, agencies, or branches of government in the Commonwealth of the Northern Marianas exercising any degree of control over construction, use, or occupancy of buildings or structures, appurtenances connected or attached thereto or equivalent thereof, under other applicable laws of the Northern Mariana Islands shall cooperate and assist in the enforcement of the provisions of the Safety Code and the regulations in this subchapter. Any employee of such department or agency empowered to review the design or make inspections of such structures shall promptly report to the head of his department or agency any violations of the provisions of the Safety Code and these regulations. Such department or agency head shall promptly communicate the violation to the building safety official. Furthermore, it is the expressed intent of these regulations that the design and construction, alteration, modification, occupancy, and use of all public buildings shall be in full compliance with the requirements of the Safety Code.

Modified, 1 CMC § 3806(d), (f).

History: Adopted 12 Com. Reg. 7508 (Dec. 15, 1990); Proposed 12 Com. Reg. 7321 (Sept. 15, 1990).

Commission Comment: The Commission inserted commas after the words “agencies,” “use,” and “occupancy” pursuant to 1 CMC § 3806(g).

### **§ 155-10.1-025 Purpose; Rules and Regulations**

(a) The provisions of the regulations in this subchapter are designed to set forth the standards for protection of the public health, safety and welfare. The expressed approval of certain materials, methods, devices or equipment which will satisfy these same standards.

(b) In furtherance of the intent of subsection (a) of this section, the building safety official may formulate and promulgate and may amend or repeal regulations supplementary to and not inconsistent with the provisions of this and other applicable federal and Commonwealth laws. Said regulations shall have the force and effect of law and shall be concerned with the uses of alternate materials, methods, devices, equipment and test which are deemed acceptable for meeting the standards established by or pursuant to the law; and with such other matters as the building safety official, from time to time may deem necessary in order to effectuate the expressed purposes of this law. It is the intent of this section that the standards of the governmental agencies and recognized national technical organizations listed in appendix A of this subchapter shall serve as a guide in prescribing regulations promulgated pursuant to this law.

Modified, 1 CMC § 3806(d), (f), (g).

History: Adopted 12 Com. Reg. 7508 (Dec. 15, 1990); Proposed 12 Com. Reg. 7321 (Sept. 15, 1990).

Commission Comment: In subsection (a), the Commission changed “standard” to “standards” to correct a manifest error.

**§ 155-10.1-027 Purpose; Energy and Energy Conservation**

The people of the Commonwealth deserve high quality energy services which are clean, efficient, and promote economic development within the Commonwealth.

(a) Economic stimulus funds, under the federal American Recovery and Renewal Act of 2009 (ARRA), are available to the CNMI if the Commonwealth takes steps to enhance energy efficiency and the wise use of energy consonant with the ARRA. The statements of goals, purposes, and intentions in this section are intended to assist in qualifying for the stimulus funds.

(b) The Department’s goals for the Commonwealth include:

- (1) Increase energy efficiency to reduce energy costs and consumption for consumers, businesses, and government;
- (2) Reduce reliance on imported energy;
- (3) Improve the reliability of electricity and fuel supply and the delivery of energy services; and
- (4) Reduce the impacts of energy production and use on the environment.

(c) The Department’s goals for the Commonwealth are consistent with the ARRA’s, in that we propose to:

- (1) Preserve and create jobs and promote economic recovery;
- (2) Assist those most impacted by our difficult economic times;
- (3) Promote investments needed to increase economic efficiency; and
- (4) Promote investment in environmental protection and other infrastructure that will provide long-term economic benefits.

(d) The Governor has certified in writing the CNMI’s compliance with § 410 of the ARRA.

(e) As the ARRA states, at a minimum the Commonwealth should plan for and maximize efforts toward achieving the specific goal of reducing per capita energy use from the CNMI’s 1990 per capita energy use, by 2012.

(f) As the ARRA states, the Department agrees that the Commonwealth Public Utilities Commission (“CPUC”) should seek to implement, in appropriate proceedings for CUC and/or its successors, a general policy that ensures that utility financial incentives are aligned with:

- (1) Helping the customers use energy more efficiently;
- (2) Proving timely cost recovery;
- (3) Providing a timely earnings opportunity associated with cost-effect, measurable and verifiable energy savings in a way that sustains or enhances utility customers’ incentives to use

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energy more efficiently.

(g) As the ARRA states, the Executive, through the Department of Public Works, should implement the following:

- (1) A residential building energy code/s that meets or exceeds the most recent international energy conservation code, or achieves equivalent or greater energy savings;
- (2) A commercial building energy code/s throughout the CNMI that meets or exceeds the ANSI/ASHRAE/IESNA Standard 90.1-2007, or achieves equivalent or greater energy savings;
- (3) A plan to achieve 90% compliance with the above energy codes within eight years, including active training and enforcement programs and annual measurement of the rate of compliance.

(h) As the ARRA states, the Executive should, to the maximum extent practicable, prioritize ARRA-based federal grants toward funding energy efficiency and renewable energy programs, including, but not limited to:

- (1) Expansion of existing energy efficiency programs, approved by the Department of Public Works or the CPIC, including energy efficiency retrofits of buildings and facilities funded by the CNMI or through rates under CPUC oversight;
- (2) Expansion of existing programs, approved by Department of Public Works or the CPUC, to support renewable energy projects and deployment activities, including but not limited to programs operated by entities which have the authority and capability to manage and distribute grants, loans, performance incentives, and other forms of financial assistance; and
- (3) Cooperation and joint activities with states and territories to advance more efficient and effective use of ARRA funding to support such priorities.

(i) The Commonwealth should also be using the most up to date building codes. The present statutes adopt much older codes. But the old codes have been updated to the level of the International Building Code (“IBC”) of 2009. The IBC’s triennial updating process calls upon the expertise and real-world experience of thousands of building professionals, including building code officials. The Department wishes to bring our building codes up to date, empower the Building Safety Official to update as the construction industry and its professions update, recognize the proper seismic and typhoon safety standards and codes, and empower DPW to adopt the Tropical Energy Code drafted especially for the CNMI, Guam, Hawai’i, Puerto Rico, and the Virgin Islands.

(j) The Department also wishes to make clear that DPW has full capability to administer the stimulus funding as well as the functions given it over the years, including develop and implement any required plans to achieve 90% of the ARRA-driven energy goals within eight years.

History: Adopted 31 Com. Reg. 29744 (Aug. 27, 2009); Proposed 31 Com. Reg. 29538 (May 20, 2009); Emergency 31 Com. Reg. 29483 (May 29, 2009).

Commission Comment: The Commission inserted commas after the words “efficient” in the introductory paragraph, “purposes” in subsection (A), “government” in subsection (b)(1), “incentives” in subsection (h)(2), and “Puerto Rico” in subsection (i) pursuant to 1 CMC § 3806(g). The Commission capitalized words at the beginning of subsections (f)(1) through (f)(3), (g)(1) through (g)(3), and (h)(1) through (h)(3) pursuant to 1 CMC § 3806(f). The

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Commission corrected the capitalization of the words “states” and “territories” in subsection (h)(3) and “the” in subsection (i) pursuant to 1 CMC § 3806(f). The Commission inserted a semicolon at the end of subsection (g)(2) pursuant to 1 CMC § 3806(g).

### **§ 155-10.1-030          Discretion to Adapt to Circumstances**

The Building Safety Review Board on recommendation of the building safety official, may vary or modify the application of any provision of the Safety Code or the regulations in this subchapter consonant with their spirit and intent, upon application of the owner or his representative, in any of the following conditions:

(a) When the proposed variation or modification will not affect the public health, safety, or welfare, designed to be achieved, provided, or protected by the provisions of the Safety Code or the regulations in this subchapter.

Modified, 1 CMC § 3806(d), (f).

History: Adopted 12 Com. Reg. 7508 (Dec. 15, 1990); Proposed 12 Com. Reg. 7321 (Sept. 15, 1990).

Commission Comment: The Commission inserted commas after the words “safety” and “provided” in subsection (a) pursuant to 1 CMC § 3806(g).

### **§ 155-10.1-035          New or Alternate Materials**

(a) Any new or alternate materials, methods, devices, or equipment which are not covered by the Safety Code and the regulations in this subchapter may be used by their proponent only when the proposed use has been expressly authorized in writing by the building safety official.

(b) The proponent shall file, in addition to his application for a building permit, a request for authorization to use the proposed new or alternate material, method, device, or equipment, accompanied by proof in support of his claim regarding the consistency of the proposed use with the standards established by the Safety Code and the regulations in this subchapter. Such proof shall consist of a complete report from an approved materials testing laboratory listed in the appendix B to this subchapter on the performance characteristics of the subject matter to meet the proposed use as set forth in the application for a building permit.

(c) The building safety official, within a reasonable time after submission but not to exceed ninety days, of the request for authorization of the proposed use, shall approve or disapprove such use. Said approval or disapproval shall be in writing, and shall set forth the basis of said building safety official decision. Any approval shall require the applicant to utilize such material, method, device, or equipment in strict conformity with the terms of the approval.

Modified, 1 CMC § 3806(d), (e), (f).

History: Adopted 12 Com. Reg. 7508 (Dec. 15, 1990); Proposed 12 Com. Reg. 7321 (Sept. 15, 1990).

Commission Comment: The Commission inserted commas after the words “devices” in subsection (a) and “device” in subsections (b) and (c) pursuant to 1 CMC § 3806(g).

**§ 155-10.1-040 Prohibition**

It shall be unlawful to construct, enlarge, alter, remove or demolish, or change the occupancy of a building, public or private, from one use group to another, without first filing an application with the building safety official in writing and obtaining the required permit therefore, except that ordinary repairs as defined in § 155-10.1-005(d) which do not involve any violation of the Safety Code and the regulations in this subchapter shall be exempt from this provision.

Modified, 1 CMC § 3806(d), (f).

History: Adopted 12 Com. Reg. 7508 (Dec. 15, 1990); Proposed 12 Com. Reg. 7321 (Sept. 15, 1990).

**Part 100 - Building Permit Application and Review Process**

**§ 155-10.1-101 Application for Permit**

An application for a permit shall be submitted in such form as the building safety official may prescribe and shall be accompanied by the required fee as prescribed in the regulations in this subchapter.

Modified, 1 CMC § 3806(d), (f).

History: Adopted 12 Com. Reg. 7508 (Dec. 15, 1990); Proposed 12 Com. Reg. 7321 (Sept. 15, 1990).

**§ 155-10.1-105 Application Procedure**

An application for a permit shall be made by the owner or lessee of the property, or agent of either, or by a CNMI licensed engineer or architect employed in connection with the proposed work. If the application is made by a person other than the legal owner it shall be accompanied by a duly verified affidavit of the owner that the applicant is authorized to make such application. The full names and addresses of the owner, lessee, applicant and, where the owner or lessee is a corporation, the responsible officers names shall be stated on the application.

Modified, 1 CMC § 3806(f).

History: Adopted 12 Com. Reg. 7508 (Dec. 15, 1990); Proposed 12 Com. Reg. 7321 (Sept. 15, 1990).

**§ 155-10.1-110 Contents**

An application shall contain a general description of the proposed work, identify its location, the use and occupancy of all parts of the building or structure and of all portions of the site or lot not covered by the building, and such additional information as may be required by the building safety official.

Modified, 1 CMC § 3806(f).

History: Adopted 12 Com. Reg. 7508 (Dec. 15, 1990); Proposed 12 Com. Reg. 7321 (Sept. 15, 1990).



**§ 155-10.1-115 Information Required**

An application for a permit shall be accompanied by not less than two copies of the specifications and of the drawings drawn to scale, with sufficient clarity and dimensions, to show the nature and character of the work to be performed. When quality of materials is essential for compliance with the Safety Code, specific information shall be given to establish such quality; and in no case shall the Safety Code be cited or the term “legal specifications” or its equivalent be used as a substitute for specific information. The building safety official may waive the requirement for filing drawings if the work involved is of a minor nature. The building safety official may prescribe a uniform format and size for drawings and specifications required with an application for permit.

Modified, 1 CMC § 3806(f).

History: Amdts Adopted 31 Com. Reg. 29744 (Aug. 27, 2009); Amdts Proposed 31 Com. Reg. 29538 (May 20, 2009); Emergency 31 Com. Reg. 29483 (May 29, 2009); Adopted 12 Com. Reg. 7508 (Dec. 15, 1990); Proposed 12 Com. Reg. 7321 (Sept. 15, 1990).

Commission Comment: The 2009 amendments corrected a typographical error and made no substantive revisions.

**§ 155-10.1-120 Site Plan**

There shall be filed a site plan showing the scale, size, and location of all the new construction and all existing structures on the site, distance from lot lines and the established street grades; and it shall be drawn in accordance with an accurate boundary line survey. In the case of demolition, the site plan shall show all construction to be demolished and the location and size of all existing buildings and constructions that are to remain on the site or plot. The building safety official may waive the requirements of this section when the work involved is of a minor nature.

Modified, 1 CMC § 3806(f).

History: Adopted 12 Com. Reg. 7508 (Dec. 15, 1990); Proposed 12 Com. Reg. 7321 (Sept. 15, 1990).

Commission Comment: The Commission inserted a comma after the word “size” pursuant to 1 CMC § 3806(g).

**§ 155-10.1-125 Additional Details**

The building safety official shall require that adequate details of structural, mechanical, and electrical work including computations, stress diagrams, and other essential technical data to be filed. All engineering drawings and computations shall bear the signature of a CNMI licensed professional engineer or architect who shall be responsible for the work.

Modified, 1 CMC § 3806(f).

History: Adopted 12 Com. Reg. 7508 (Dec. 15, 1990); Proposed 12 Com. Reg. 7321 (Sept. 15, 1990).

Commission Comment: The Commission inserted commas after the words “mechanical” and “diagrams” pursuant to 1 CMC § 3806(g).

**§ 155-10.1-130 Examination and Review**

The building safety official shall promptly examine or cause to be examined, each application for a building permit and all drawings, specifications, information, and materials filed in conjunction therewith, in order to ascertain whether the proposed work is in compliance with the requirements of the provisions of the Safety Code and the regulations in this subchapter. Whenever the actual physical conditions of the proposed work, or the site thereof, are not apparent from the application for a building permit and the materials filed in conjunction therewith, the building safety official may require the submission of additional information or may examine or cause to be examined the site of the proposed work in order to determine such conditions.

Modified, 1 CMC § 3806(f).

History: Adopted 12 Com. Reg. 7508 (Dec. 15, 1990); Proposed 12 Com. Reg. 7321 (Sept. 15, 1990).

Commission Comment: The Commission inserted a comma after the word “information” pursuant to 1 CMC § 3806(g).

**§ 155-10.1-135 Action on Applications**

(a) The building safety official shall act upon each application for a building permit without unreasonable or unnecessary delay. On finding conformity with all the requirements of the regulations in this subchapter, the Safety Code, and other applicable laws, the building safety official shall, upon receipt of the required fee, issue the permit to the applicant.

(b) If an application for a permit or the drawings and specifications submitted therewith describe proposed work are not in conformity with all the requirements of law, or do not contain sufficient information to enable the building safety official to reach a decision, he shall not issue such a permit, but shall return the drawings and specifications to the applicant, together with a written statement setting forth his or her refusal to issue such permit, and reason therefore. The building safety official, upon request of the applicant, shall make such refusal, containing the reasons therefore, in writing.

Modified, 1 CMC § 3806(d), (f).

History: Adopted 12 Com. Reg. 7508 (Dec. 15, 1990); Proposed 12 Com. Reg. 7321 (Sept. 15, 1990).

**§ 155-10.1-140 Endorsement**

The building safety official, upon the issuance of a permit, shall endorse in writing or stamp on both sets of drawings and specifications “APPROVED FOR PERMIT # \_\_\_\_\_,” and affix his or her signature to such endorsement.

Modified, 1 CMC § 3806(f).

History: Adopted 12 Com. Reg. 7508 (Dec. 15, 1990); Proposed 12 Com. Reg. 7321 (Sept. 15, 1990).

**§ 155-10.1-145      Approved Drawings; Revisions Prohibited**

Approved drawings and specifications shall not be revised, modified, or altered in any manner affected by the provisions of the Safety Code or the regulations in this subchapter without the expressed written authorization from the building safety official, and all such work shall be done in accordance with approved drawings and specifications.

Modified, 1 CMC § 3806(d), (f).

History: Adopted 12 Com. Reg. 7508 (Dec. 15, 1990); Proposed 12 Com. Reg. 7321 (Sept. 15, 1990).

Commission Comment: The Commission inserted a comma after the word “modified” pursuant to 1 CMC § 3806(g).

**§ 155-10.1-150      Disposition**

The building safety official shall retain at least one set of approved and endorsed drawings and specifications with their attached data and return one endorsed set to the applicant. The applicant’s set shall be kept at the work site, at all times, during which the authorized work is in progress, and shall be open for inspection at all reasonable times to the building safety official or his authorized representative.

Modified, 1 CMC § 3806(f).

History: Adopted 12 Com. Reg. 7508 (Dec. 15, 1990); Proposed 12 Com. Reg. 7321 (Sept. 15, 1990).

**§ 155-10.1-155      Permit**

(a) The issuance of a building permit or approval of drawings and specifications shall not be construed to be a permit for, or approval of any violation of the provisions of the Safety Code, the regulations in this subchapter, or other applicable law, except in the case of an approved modification pursuant to Safety Code § 7114 [2 CMC § 7114]. Any permit presuming to cancel such provisions or condone such violations shall be invalid and void in its entirety.

(b) The issuance of a building permit after approval of drawings, specifications, and attached data submitted therewith, shall not prevent the building safety official from thereafter requiring corrections of any errors in said drawings in writing, specifications, and data, nor from prohibiting building construction to be carried on thereunder until such correction(s) is/are made.

(c) Any building permit shall lapse and become invalid, if the work authorized by it is not commenced within six months after its issuance; or if the work is suspended or abandoned for a period of six months at any time after the work has been commenced. For cause, the building safety official may allow an extension up to a maximum of six months each. All such extensions shall be in writing and noted on the building permit and in the building permit records at the building safety official office.

Modified, 1 CMC § 3806(d), (e), (f).

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History: Adopted 12 Com. Reg. 7508 (Dec. 15, 1990); Proposed 12 Com. Reg. 7321 (Sept. 15, 1990).

Commission Comment: The Commission inserted a comma after the word “specifications” in subsection (b) pursuant to 1 CMC § 3806(g).

### **§ 155-10.1-160 Special Permits**

The building safety official may, at his discretion after the receipt of an application for a building permit and pending issuance of such permit, issue a special permit for the foundations or other substructures, without assurance that a building permit for the super structure will be granted. However, the special permit shall be issued only after the site plan foundation plans including calculation has been reviewed and approved. Such activity as the applicant may undertake under said special permit must be in full compliance with the provisions of the Safety Code, the regulations in this subchapter, and any other applicable laws.

Modified, 1 CMC § 3806(d), (f).

History: Adopted 12 Com. Reg. 7508 (Dec. 15, 1990); Proposed 12 Com. Reg. 7321 (Sept. 15, 1990).

### **§ 155-10.1-165 Electronic Filings and Meetings**

(a) Any filing, application, presentation of plans or specifications, or other submission made pursuant to these regulations shall be in writing as defined in the regulations for this chapter. A person submitting electronically in a software format other than Microsoft Word, Excel, or Adobe Acrobat shall first obtain the approval of the Building Safety Official or his designee. For instance, architectural plans generated in AutoCad or SoftCad are not readable on the Department’s computers unless a reader program is included with the submission. Preferred media for submission would be CD/DVD or flash drive for files over 3 MB. Email attachment is acceptable for files of 3 MB or less.

(b) Any hearing, conference, or other meeting, can, with the agreement of the Building Safety Official or his designee, be conducted virtually, as defined in these regulations for this chapter, provided that a person entitled to attend is able to have the same access to the meeting as each participant at the noticed site. Typically this will mean that a speaker phone is, or computer speakers are, placed in the advertised venue and the person attending can hear each person speaking. If video conferencing is used the person shall be permitted to see the screen.

History: Adopted 31 Com. Reg. 29744 (Aug. 27, 2009); Proposed 31 Com. Reg. 29538 (May 20, 2009); Emergency 31 Com. Reg. 29483 (May 29, 2009).

Commission Comment: The Commission corrected the capitalization of the words “regulations” and “chapter” pursuant to 1 CMC § 3806(f). The Commission inserted a comma after the word “conference” in subsection (b) pursuant to 1 CMC § 3806(g).

## **Part 200 – Inspection, Fees, and Compliance**

### **§ 155-10.1-201 Inspection**

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(a) All construction or work in progress for which a permit is required shall be subject to inspection from time to time by the building safety official, or his designated representative(s). Certain types of constructions may require continuous or special inspections as determined by the building safety official. Any person or persons interfering with the building safety official or his authorized representative in the performance of such duties shall be liable to the penalties hereinafter provided.

(b) Work requiring a building permit shall not begin until the permit holder or his agent shall have posted an inspection checklist or other notice, in a conspicuous place on the premises and in such a position as to allow the building safety official or his authorized representative to make entries thereon regarding inspection of the work. The checklist or other notice which shall be furnished by the building safety official shall be maintained in such position by the permit holder until the work has been completed and a certificate of occupancy issued. The checklist or other notice shall maintain a record of every inspection including the time, date, and all violations of the provisions of the Building Safety Code, the regulations in this subchapter, or of other applicable laws, rules, and regulations.

(c) Re-inspections.

(1) A reinspection fee may be assessed for each inspection or reinspection when such work or portion of work for which an inspection is called is not complete or when corrections called for by the building safety official or his designated representative(s) are not made or are inadequately made.

(2) This subsection is not to be interpreted as requiring reinspection fees the first time a job is rejected for failure to comply with the requirements of this code, but as a means of discouraging the practice of calling for inspections before the job is ready for such inspection or reinspection.

(3) Reinspection fees may be assessed when the permit checklist or other notice is not properly posted on the work site, the approved drawings are not readily available to the inspector, access is not provided on the date inspection is requested, or construction deviates from drawings and/or specifications approved by the building safety official.

(4) To obtain a reinspection the applicant shall file an application therefore\* in writing upon a form furnished for that purpose, by the building safety official and shall pay a reinspection fee if so assessed in accordance with this subsection.

(5) When reinspection fees are assessed, no reinspection of the work shall be performed until the required fees have been paid in full.

\* So in original.

Modified, 1 CMC § 3806(d), (f).

History: Amdts Adopted 31 Com. Reg. 29744 (Aug. 27, 2009); Amdts Proposed 31 Com. Reg. 29538 (May 20, 2009); Emergency 31 Com. Reg. 29483 (May 29, 2009); Adopted 12 Com. Reg. 7508 (Dec. 15, 1990); Proposed 12 Com. Reg. 7321 (Sept. 15, 1990).

Commission Comment: The original paragraphs of subsection (c) were not designated. The Commission designated subsections (c)(1) through (c)(5). The Commission inserted commas after the words “date” and “rules” in subsection (b) pursuant to 1 CMC § 3806(g).

The 2009 amendments amended subsections (b) and (c)(3).

**§ 155-10.1-205 Tests as Proof of Compliance**

(a) Whenever there is insufficient evidence that any material or any construction does not conform to the requirements of the Safety Code or the regulations in this subchapter, or in order to substantiate claims for the use of alternate materials or methods of construction, the building safety official may require tests, as proof of compliance, to be made at the expense of the owner or his agent by an approved agency or testing laboratory.

(b) Tests shall be in accordance with generally recognized standard test procedures for the proposed use. In the absence of such standard test procedures, the building safety official shall specify the test procedure.

(c) The building safety official may require tests to be repeated, if at any time he has reason to believe that an approved or material or method no longer conforms to the requirements upon which the approval was based.

Modified, 1 CMC § 3806(d), (f).

History: Adopted 12 Com. Reg. 7508 (Dec. 15, 1990); Proposed 12 Com. Reg. 7321 (Sept. 15, 1990).

**§ 155-10.1-210 Prefabricated Buildings**

Where the unit or component parts of a prefabricated building are not readily accessible to inspection, the building safety official may accept a certification from an approved testing agency that the building is identical with a specimen previously tested and approved by the agency.

Modified, 1 CMC § 3806(f).

History: Adopted 12 Com. Reg. 7508 (Dec. 15, 1990); Proposed 12 Com. Reg. 7321 (Sept. 15, 1990).

**§ 155-10.1-215 Stoppage of Work for Non Compliance**

(a) Upon notice from the building safety official that work on any building or structure is being executed contrary to the provisions of the Safety Code, the regulations in this subchapter, or other applicable laws, or in an unsafe and dangerous manner, the building safety official shall issue a stopwork order and such work shall be immediately stopped.

(b) The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person in charge of the work; and shall state the conditions under which work may be resumed.

(c) The building safety official may require that work be stopped on oral notice, pending issuance of a written order, in such instances where he deems immediate action is necessary for protection of public health, safety, or welfare.

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Modified, 1 CMC § 3806(d), (f), (g).

History: Adopted 12 Com. Reg. 7508 (Dec. 15, 1990); Proposed 12 Com. Reg. 7321 (Sept. 15, 1990).

Commission Comment: In subsection (b), the Commission changed the final semi-colon to a period to ensure consistent punctuation. The Commission inserted a comma after the word “safety” in subsection (c) pursuant to 1 CMC § 3806(g).

The 2009 amendments corrected a typographical error and made no substantive revisions.

### § 155-10.1-220 Revocation Permit

The building safety official shall revoke a permit or approval issued under the provisions of this law;

(a) In case of any false statement or misrepresentation as to a material fact in any application or drawings or specification in which the permit conditions are such that a permit should not have been issued.

(b) In any case where a building permit owner refuses to comply with a stop order issued under the provisions of § 155-10.1-215 herein above.

Modified, 1 CMC § 3806(d), (f).

History: Adopted 12 Com. Reg. 7508 (Dec. 15, 1990); Proposed 12 Com. Reg. 7321 (Sept. 15, 1990).

Commission Comment: The cross-reference in subsection (b) erroneously cited § 7026, codified in this section. The Commission changed the reference so that it cites § 7025, codified at § 155-10.1-215.

### § 155-10.1-225 Fees

(a) Before a building permit is issued a permit fee, therefore\*, shall be paid to the building safety official in accordance with the following schedule based upon valuation of the proposed work:

#### (1) Building Permit Fees

Construction Costs	Fees
\$1.00 to \$500	\$15.00
\$501 to \$2,000	\$15.00 for the first \$500 plus \$2.00 for each additional \$100.00 or fraction thereof, to and including \$2,000.00.
\$2,001 to \$25,000	\$45.00 for the first \$2,000 plus \$9.00 for each additional \$1,000.00 or fraction thereof, to and including \$25,000.00.
\$25,001 to \$50,000	\$252.00 for the first \$25,000.00 plus \$7.00 for each additional \$1,000.00 or fraction thereof, to and including \$50,000.00.
\$50,001 to \$100,000	\$427.00 for the first \$50,000.00 plus \$5.00 for each additional \$1,000.00 or fraction thereof,

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	to and including \$100,000.00.
\$100,001 to \$500,000	\$677.00 for the first \$100,000/00 plus \$5.00 for each additional \$1,000.00 or fraction thereof, to and including \$500,000.00.
\$500,001 to \$1,000,000	\$2,677.00 for the first \$500,000.00 and \$3.00 for each additional \$1,000.00 or fraction thereof, and including \$1,000,000.00.
\$1,000,001 and up	\$4,177.00 for the first \$1,000,000.00 plus \$2.00 for each additional \$1,000.00 or fraction thereof.

(2) Plan Review Fees

<b>Residential Plan Review</b>			
	<b>Single Family Plan Review</b>		
		\$1.00 – 1,999	\$0. See paragraph (c), just below.
		\$2,000 - \$50,000	½ bldg permit fee. See paragraph (c), just below.
		\$50,001 & up	¾ bldg permit fee. See paragraph (c), just below.
	<b>Multiple Resid. Plan Review</b>		
		\$1.00 - \$999	\$0. See paragraph (c), just below.
	\$1,000 and up	¾ bldg permit fee. See paragraph (c), just below.	
<b>Commercial Plan Review</b>			
	\$1.00 - \$999	\$0. See paragraph (c), just below.	
	\$1,000 and up	¾ bldg permit fee. See paragraph (c), just below.	

(3) Other Fees

<b>Demolition &amp; Removal Fees</b>		
	Residential	\$75.00
	Commercial	\$150.00
<b>Grading Fees</b>		
	Plan Review	\$0
	Permit	\$0
<b>Sign Permit Fee</b>		\$100.00
<b>Other Inspection/Reinspection Fee</b>		\$0
<b>Certificate of Occupancy</b>		\$0
<b>Penalty/Violation of Building Code</b>		\$0
<b>Placard</b>		\$0



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Fees for Documents and Related Services	
Photocopies	Less than 20 copies – no charge; 21 or more copies - \$0.50 per page
Photocopies, certified	\$1.50 per page
Electronic files on CD	\$10.00 for each CD
Electronic files on DVD	\$20.00 for each DVD
Copies of meeting/hearing recording on cassette tape	\$15.00 per tape
If complying with a request for information takes longer than one hour, labor shall be charged at the rate of \$20.00 per hour.	

(b) Where work, for which a permit is required by the Safety Code and the regulations in this subchapter, is started or proceed with prior to obtaining said permit, the fees as set forth above shall be doubled, but the payment of such double fee shall not relieve any persons from fully complying with the requirements of the Safety Code and these regulations in the execution of the work nor from the assessment of any other penalties prescribed herein.

(c) Before drawings and specifications are accepted for reviewing, a plan-review fee, in addition to the building permit fee, shall be paid to the building safety official. For a building or structure not classified as a single-family dwelling unit and whose construction costs is \$1,000 or more, the plan-review fee shall be three-fourths of the building permit fee. For a single-family dwelling units whose valuation is over \$2,000 and less than \$50,000, the plan-review fee shall be one half the building permit fee. For single-family dwelling units whose valuation is \$50,000.00 and over, the plan-review fee shall be three-fourths the building permit fee.

\* So in original.

Modified, 1 CMC § 3806(d), (e), (f).

History: Amdts Adopted 31 Com. Reg. 29744 (Aug. 27, 2009); Amdts Proposed 31 Com. Reg. 29538 (May 20, 2009); Emergency 31 Com. Reg. 29483 (May 29, 2009); Amdts Proposed 15 Com. Reg. 10556 (Apr. 15, 1993); Adopted 12 Com. Reg. 7508 (Dec. 15, 1990); Proposed 12 Com. Reg. 7321 (Sept. 15, 1990),

Commission Comment: The paragraphs of subsection (a) were undesignated in the original regulation. The Commission designated them as subsections (a)(1) through (a)(3). The Commission converted the phrase “Fees for Documents and Related Services” to title case and removed extraneous colons under this heading pursuant to 1 CMC § 3806(f) and (g). The Commission struck the figure “3/4” in subsection (c) and corrected “three-fourths” to “three-fourths” pursuant to 1 CMC § 3806(e) and (g).

The April 1993 amendments proposed to add a new fee schedule entitled “Special Fees for Other Permits.” A notice of adoption for the April 1993 proposed amendments has not been published and, therefore, the Commission has not incorporated the proposed changes.

The 2009 amendments amended subsection (a) and (c) and added subsections (a)(2) and (a)(3).

**§ 155-10.1-230 Cessation in Construction**

Whenever a cessation in construction of an approved building or structure exists of more than twelve months, the building safety official, by written order served upon the permit holder, may require the holder of the permit to maintain the premises in such condition of reasonable health and safety as may be determined by the building safety official as appropriate.

Modified, 1 CMC § 3806(e), (f).

History: Adopted 12 Com. Reg. 7508 (Dec. 15, 1990); Proposed 12 Com. Reg. 7321 (Sept. 15, 1990).

## **Part 300 - Certificates of Occupancy**

### **§ 155-10.1-301 Certificate of Occupancy**

No building or structure hereafter erected shall be occupied or used, in whole or in part, until a certificate of occupancy has been issued by the building safety official and posted on the premises certifying that such building conforms to the provisions of the Safety Code and the regulations in this subchapter. The certificate of occupancy shall remain posted indefinitely in a conspicuous place. A certificate of occupancy for a business shall be issued with a term of one year only; the business must renew the certificate each year.

Modified, 1 CMC § 3806(d), (f).

History: Amdts Adopted 31 Com. Reg. 29744 (Aug. 27, 2009); Amdts Proposed 31 Com. Reg. 29538 (May 20, 2009); Emergency 31 Com. Reg. 29483 (May 29, 2009); Adopted 12 Com. Reg. 7508 (Dec. 15, 1990); Proposed 12 Com. Reg. 7321 (Sept. 15, 1990).

### **§ 155-10.1-305 Alterations**

No building or structure hereafter enlarged or extended, or so altered, wholly or in part, so as to change its classification or occupancy shall be occupied or used, in whole or in part, until a certificate of occupancy has been issued by the building safety official certifying that the work for which the permit was issued has been completed in accordance with the provisions of the Safety Code and the regulations in this subchapter; provided, that if the occupancy or use of such building was not discontinued during the work of alteration, the occupancy or use of said building or structure shall not continue for more than thirty days after completion of the alteration unless such certificate shall have been issued.

Modified, 1 CMC § 3806(d), (e), (f).

History: Adopted 12 Com. Reg. 7508 (Dec. 15, 1990); Proposed 12 Com. Reg. 7321 (Sept. 15, 1990).

### **§ 155-10.1-310 Content**

In addition to the certification as to compliance with the provisions of the Safety Code and the regulations in this subchapter, the certificate of occupancy shall state the purposes for which the building may be used in its several parts, the maximum permissible live loads on floors, the number of individual persons that may be accommodated in any space, in case such number is limited by a provision of law or by the permit.

Modified, 1 CMC § 3806(d), (f).

History: Adopted 12 Com. Reg. 7508 (Dec. 15, 1990); Proposed 12 Com. Reg. 7321 (Sept. 15, 1990).

**§ 155-10.1-315           Changes**

(a) No change of occupancy shall be made in a building or structure hereafter erected or altered inconsistent with the last issued certificate of occupancy, unless a new certificate of occupancy is issued. No change of occupancy of a building or structure, shall be made, unless the building safety official finds, upon inspection, that such building or structure conforms substantially to the provisions of Safety Code with respect to the proposed new occupancy, and issues a certificate of occupancy thereof.

(b) The occupancy of a building shall not be deemed to have been changed because of a temporary vacancy or change of ownership or tenancy. The re-establishment in a building, after a change of occupancy has been made, of a prior use that would not have been permitted in a new building of the same type of construction is prohibited. The change from a specifically prohibited use to another specifically prohibited use shall not be made.

Modified, 1 CMC § 3806(f).

History: Adopted 12 Com. Reg. 7508 (Dec. 15, 1990); Proposed 12 Com. Reg. 7321 (Sept. 15, 1990).

**§ 155-10.1-320           Application**

Any person desiring a certificate of occupancy as hereinabove required shall after completion of the work for which a building permit was issued, file with the building safety official a signed application therefore on a form furnished by the building safety official stating, in writing, that the work has been completed in compliance with the terms of the building permit and the requirements of the Safety Code and the regulations in this subchapter.

Modified, 1 CMC § 3806(d), (f).

History: Adopted 12 Com. Reg. 7508 (Dec. 15, 1990); Proposed 12 Com. Reg. 7321 (Sept. 15, 1990).

**§ 155-10.1-325           Final Inspection**

The building safety official, upon receipt of an application for a certificate of occupancy, shall promptly inspect or cause to be inspected the construction, enlargement, alteration, repair, conversion, movement, or improvement of the building, structure or appurtenances, or the installation of equipment for which a building permit was issued, in order to ascertain whether the proposed work has been completed in accordance with the requirements of the building permit and the provisions of the [Safety] Code and of the regulations in this subchapter.

Modified, 1 CMC § 3806(d), (f).

History: Adopted 12 Com. Reg. 7508 (Dec. 15, 1990); Proposed 12 Com. Reg. 7321 (Sept. 15, 1990).

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Commission Comment: The Commission inserted a comma after the word “movement” pursuant to 1 CMC § 3806(g).

### **§ 155-10.1-330 Issuance or Denial**

(a) If after inspection as provided in § 155-10.1-325, it is found that the proposed work has been completed in accordance with the requirements of the building permit, and the provisions of the Safety Code and the regulations in this subchapter, the building safety official shall issue a certificate of occupancy. The building safety official shall keep a permanent record of all certificates of occupancy issued.

(b) If after inspection, as provided in § 155-10.1-325, it is found that the proposed work has not been completed in accordance with the building permit and the terms of the Safety Code and these regulations, the building safety official shall not issue an occupancy permit and shall order the work completed in compliance with the building permit, the Safety Code, and these regulations.

(c) The building safety official may issue a temporary use permit for any portion(s) of the premises which may be safely occupied prior to the issuance of a certificate of occupancy.

Modified, 1 CMC § 3806(c), (d), (f), (g).

History: Adopted 12 Com. Reg. 7508 (Dec. 15, 1990); Proposed 12 Com. Reg. 7321 (Sept. 15, 1990).

Commission Comment: The cross-references in subsections (a) and (b) erroneously cited § 7035, codified in this section. The Commission changed the references so that they cite § 7034, codified at § 155-10.1-325.

### **Part 400 - Unsafe or Damaged Buildings and Structures**

#### **§ 155-10.1-401 Unsafe Structures**

(a) All unsafe buildings and structures are hereby declared to be illegal, and shall be repaired, vacated, or demolished, in accordance with the procedure established by the regulations in this subchapter.

(b) For the purpose of this law, unsafe buildings are all buildings and structures and/or equipment thereof which are structurally unsafe, or which are unsanitary, or which are unfit for human habitation, or are not provided with adequate means of egress, or which constitute a fire hazard, and electrically unsafe, or are otherwise dangerous to public health, safety, or welfare, which in relation to existing uses constitute a hazard to the safety of the public or occupants by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment.

Modified, 1 CMC § 3806(d).

History: Adopted 12 Com. Reg. 7508 (Dec. 15, 1990); Proposed 12 Com. Reg. 7321 (Sept. 15, 1990).

#### **§ 155-10.1-405 Examination**

The building safety official shall examine or cause to be examined every unsafe or damaged building or structure. He shall make or cause to be made, a written record of such examination, which shall set forth a factual description of the premises and specifically enumerate the particular conditions which are alleged to be violations of the provisions of the Safety Code or the regulations in this subchapter or otherwise render such buildings unsafe.

Modified, 1 CMC § 3806(d), (f).

History: Adopted 12 Com. Reg. 7508 (Dec. 15, 1990); Proposed 12 Com. Reg. 7321 (Sept. 15, 1990).

**§ 155-10.1-410 Report**

(a) The building safety official, whenever he shall make a finding, as a result of the examination required in § 155-10.1-405 shall:

(1)(i) Notify in writing, by personal service or certified mail, return receipt requested, the owner, occupant, lessee, mortgagee, agent and other persons having an interest in said building as shown by official land records that the building or structure is unsafe, and that:

(A) The owner must vacate, or repair, or demolish said buildings or structure in accordance with the terms of the notice and of the regulations in this subchapter.

(B) The occupant or lessee must vacate said building, or may have it repaired in accordance with the terms of the notice and of these regulations.

(C) Said mortgagee, agent, or other persons having an interest in said building, may at his own risk, repair, vacate, or demolish said building or have such work or act done.

(ii) Any person notified under this subsection to repair, vacate, or demolish any building shall be given such reasonable time, not exceeding thirty days, as may be necessary to do, or have done, the work or act required by the notice as herein provided.

(iii) Such notice shall describe the building deemed unsafe, shall include a statement of the particulars which make it unsafe, and shall contain an order requiring the building to be put in such condition as to comply with the terms of these regulations within a stated time, not exceeding thirty days.

(2) Post, or cause to be posted in a conspicuous place at the principal point of entry to the building deemed unsafe, a notice reading as follows:

“This building has been found to be a dangerous building by the building safety official, government of the Northern Mariana Islands. This notice is to remain on the building until it is repaired, vacated, or demolished in accordance with the notice which has been given to all parties having an interest in this building. It is unlawful to remove this notice until such notice is complied with.”

(b) The building safety official, or his designee, in the event of non-compliance with the notice and order hereinabove provided for in this section shall:

(1) Notify in writing by personal service or certified mail, return receipt requested, the same parties as notified under subsection (a) of this section to appear before him on a specified date to show cause why the building deemed unsafe would not be repaired, vacated, or demolished in accordance with the statement of particulars set forth in the prior notice. The notice shall be given at least five business days before hearing.

(2) Hold a hearing and hear such testimony as building safety official employees, owner,

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occupant, lessee, mortgagee, or other interested parties shall offer relative to the unsafe building. Interested parties shall be given a full and fair opportunity, in person or through counsel, to present any facts relative to the proposed action. The testimony taken shall be under oath and taken stenographically or by machine, but the parties shall not be bound by strict rules of evidence.

(3) Make written findings of fact from the testimony offered at said hearing, and on the basis of such findings render a written decision as to whether the building is safe, or unsafe within the meaning of the Safety Code and the regulations in this subchapter. The original copy of such findings and decisions shall be kept in the Department of Public Works. Other copies of the findings and decisions shall be sent to all parties served with notice of the hearing. Copies of the transcript made at the hearing shall be given to interested parties upon request and at their expense.

(4) On finding that the building is unsafe, issue an order based on such findings of fact, commanding all parties served with notice of the hearing to repair, vacate, or demolish such unsafe building; provided, that any person so notified, except the owner, shall have the privilege of vacating or repairing, and; provided further, that no person other than the owner shall be ordered to demolish said building.

(c) In the case of non-compliance with the above order, and if judicial review of the order is not sought within thirty days pursuant to the Administrative Procedure Act [1 CMC §§ 9101, et seq.], the building safety official shall cause such building to be repaired, vacated, or demolished as the facts may warrant, in accordance with the standards for repair, vacating, or demolition set forth in subsection (d) of this section. The cost of such repair, vacating, or demolition shall be a lien against the land on which the building exists or existed, as the case may be, until recovered by the Commonwealth of the Northern Marianas.

(d) The building safety official in ordering repair, vacating, or demolition of a building found unsafe, shall be governed by the following standards:

(1) If an unsafe building can reasonable be repaired so that it will no longer exist in violation of the terms of the regulations in this subchapter, it shall be ordered to be repaired.

(2) If an unsafe building is in such condition as to make it dangerous to the health, safety, or general welfare of its occupants, it shall be ordered to be vacated.

(3) If an unsafe building is damaged or decayed, or deteriorated to the extent of fifty percent of its original value or structure, it shall be demolished. In all cases where a building cannot be repaired so that it will no longer exist in violation of the terms of these regulations, it shall be demolished. In all cases where the unsafe building is fire hazard existing or erected in violation of the Safety Code or these regulations or unsafe within the meaning of the Safety Code and regulations, it shall be demolished.

Modified, 1 CMC § 3806(c), (d), (e), (f), (g).

History: Adopted 12 Com. Reg. 7508 (Dec. 15, 1990); Proposed 12 Com. Reg. 7321 (Sept. 15, 1990).

Commission Comment: The original paragraphs of subsection (a)(1) were not designated. The Commission designated subsections (a)(1)(i) through (iii).

In subsection (b)(4), the Commission changed “order” to “ordered” to correct a manifest error. In subsection (c), the Commission changed “Procedures” to “Procedure” to correct a manifest error. The Commission inserted commas

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after forms of the word “vacate” in subsections (a)(1)(i)(C), (a)(1)(ii), (b)(1), (b)(4), (c), and (d), and after the word “safety” in subsection (d)(2) pursuant to 1 CMC § 3806(g).

### **§ 155-10.1-415      Emergency Order to Vacate**

The building safety official, whenever he determines that an unsafe building, structure, or portion thereof, constitutes an immediate danger to the occupants, shall order the buildings, structure, or portion thereof, to be vacated at once and not re-occupied until issuance of a new certificate of occupancy by the building safety official.

Modified, 1 CMC § 3806(f).

History: Adopted 12 Com. Reg. 7508 (Dec. 15, 1990); Proposed 12 Com. Reg. 7321 (Sept. 15, 1990).

### **§ 155-10.1-420      Sign**

(a) The building safety official, on the vacating of any building in accordance with the provisions of §§ 155-10.1-410 and 155-10.1-415 of this subchapter, shall post or cause to be posted at each entrance to the building, a sign stating: “This building is unsafe and its use or occupancy is prohibited by the building safety official. Any person entering this building without permission of the building safety official shall be subject to fine.”

(b) Such sign shall remain posted until the required repairs are made or demolition is completed.

(c) Any person entering the building, except for the purpose of making the required repairs of effecting demolition, or any person removing any sign posted by the building safety official shall be liable for the penalties provided for in the regulations in this subchapter.

Modified, 1 CMC § 3806(c), (d), (f), (g).

History: Adopted 12 Com. Reg. 7508 (Dec. 15, 1990); Proposed 12 Com. Reg. 7321 (Sept. 15, 1990).

Commission Comment: In subsection (a), the Commission inserted the final period. In subsection (c), the Commission changed “liable to the penalties” to “liable for the penalties” to correct a manifest error.

### **§ 155-10.1-425      Actual and Immediate Danger**

(a) In case there shall be, in the opinion of the building safety official immediate danger of failure or collapse of a building or structure, or any part thereof so as to endanger life or property, he shall promptly cause such building or structure to be declared temporarily safe, or if necessary, to be demolished. In such cases the decision of the building safety official shall be final and conclusive.

(b) The building safety official, in exercising his powers and duties under this section, may at once enter any unsafe building, or the land on which it stands, or abutting land or structure, with such assistance and at such cost as he deems necessary. He may vacate adjacent structures and protect the public by an appropriate fence or such other means as may be necessary, and for this

purpose he may close a public or private way.

(c) Costs incurred under this section shall be paid by the government of the Northern Mariana Islands on a certified voucher of the building safety official. Such costs shall be a lien on the land on which the building exists or existed, as the case may be, until recovered by the government of the Northern Mariana Islands.

Modified, 1 CMC § 3806(f).

History: Adopted 12 Com. Reg. 7508 (Dec. 15, 1990); Proposed 12 Com. Reg. 7321 (Sept. 15, 1990).

## **Part 500 - Miscellaneous Provisions**

### **§ 155-10.1-501 Prohibition and Penalty**

(a) It shall be unlawful for any person to construct, alter, repair, remove, demolish, equip, use, occupy, or maintain any building or structure or portion thereof in the Northern Mariana Islands contrary to any provision of the Safety Code or the regulations in this subchapter.

(b) Any person violating the provisions of the Safety Code or these regulations shall be liable for a civil fine of not less than ten dollars and not more than five hundred dollars, per day provided that the fine shall not exceed ten thousand dollars or one percent of the total value of the project, whichever is greater. Such penalties may be imposed by the building safety official in addition to any criminal penalties established by the Safety Code.

(c) Each day of a violation shall constitute a separate offense.

(d) Other departments and agencies of the Commonwealth of the Northern Mariana Islands shall cooperate and assist in the enforcement of the Safety Code and these regulations. Any employees of such department or agency empowered to review the design or make inspections of such structures shall promptly report to the head of his department or agency any suspected violations of the provisions of the Safety Code or these regulations. Such department or agency head shall promptly communicate the suspected violation to the Director of Public Works. Furthermore, it is the expressed intent of the Safety Code and these regulations that the design and construction, alteration, modification, occupancy, and use of all public buildings shall be in full compliance with the requirements of the Safety Code and regulations.

Modified, 1 CMC § 3806(d), (e), (f).

History: Amdts Adopted 31 Com. Reg. 29744 (Aug. 27, 2009); Amdts Proposed 31 Com. Reg. 29538 (May 20, 2009); Emergency 31 Com. Reg. 29483 (May 29, 2009); Adopted 12 Com. Reg. 7508 (Dec. 15, 1990); Proposed 12 Com. Reg. 7321 (Sept. 15, 1990).

Commission Comment: The Commission inserted commas after the words “occupy” in subsection (a) and “occupancy” in subsection (d) pursuant to 1 CMC § 3806(g).

The 2009 amendments amended subsection (c).



**Part 600 - Building and Energy Codes**

**§ 155-10.1-601 International Building Code of 2009 Adopted**

The International Building Code (“IBC”) of 2009, including its energy codes, as adopted by the International Code Council is hereby adapted as the Commonwealth Building Safety Code. All statutory and regulatory references shall be superseded by the IBC of 2009, as amended. Due to the length of the IBC, it is incorporated by reference herein, and a person wishing a copy shall be directed to the publisher, of the ICC.

History: Adopted 31 Com. Reg. 29744 (Aug. 27, 2009); Proposed 31 Com. Reg. 29538 (May 20, 2009); Emergency 31 Com. Reg. 29483 (May 29, 2009).

Commission Comment: The Commission corrected the spelling of the word “superseded” pursuant to 1 CMC § 3806(g).

**§ 155-10.1-605 Tropical Energy Code Adopted**

(a) The Model Tropical Energy Code (“TEC”), dated January 7, 2009, as prepared for the CNMI, Guam, Hawai’i, Puerto Rico, and the Virgin Islands, is hereby adopted as an amendment to, and a portion of, the IBC of 2009, as though written into the IBC.

(b) Due to the length of the TEC, it is incorporated by reference herein, and a copy of the TEC shall be made available for the cost of reproduction and distribution by the Department, either electronically or in hard copy form. Apparent conflicts between provisions of the IBC and the TEC shall be resolved in writing upon request to the Building Safety Official.

(c) The Building Safety Official’s future amendments to the Building Safety Code may include subsequent versions of the International Building Code and/or the Tropical Energy Code, or portions thereof.

History: Adopted 31 Com. Reg. 29744 (Aug. 27, 2009); Proposed 31 Com. Reg. 29538 (May 20, 2009); Emergency 31 Com. Reg. 29483 (May 29, 2009).

Commission Comment: The Commission moved a quotation mark inside the parentheses in subsection (a) pursuant to 1 CMC § 3806(g). The Commission inserted a comma after the words “Puerto Rico” in subsection (a) pursuant to 1 CMC § 3806(g).

The Department of Public Works issued the following Notice of Implementation of 2014 Revised CNMI Tropical Energy Code in the August 28, 2014 Commonwealth Register:

The Department of Public Works hereby provides notice to the public that it shall implement and adopt the 2014 revised CNMI Tropical Energy Code. The current CNMI Tropical Energy Code, dated January 7, 2009, was adopted as an amendment to, and portion of, the International Building Code of 2009. NMIAC § 155-10.1-605(a). Under NMIAC § 155-10.1-605(c), the Building Safety Official is authorized to implement subsequent versions of the Tropical Energy Code. The Department of Public Works shall implement and adopt the 2014 revised Tropical Energy Code pursuant to this provision.

Implementation of the 2014 revised CNMI Tropical Energy Code is necessary to bring the CNMI Tropical Energy Code into compliance with the American Society of Heating, Refrigerating, and Air-Conditioning

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Engineers standards 90.1-2007 and 90.1-2010, as well as the 2009 and 2012 editions of the International Energy Conservation Code.

36 Com. Reg. 35397 (Aug. 28, 2014).

### **§ 155-10.1-610      Precedence of Commonwealth Building Safety Code**

Where conflicts or contradictions exist between provisions of the Building Safety Code and the regulations issued thereunder and a model code, then the Building Safety Code shall apply. (See 2 CMC sec. 7145)

History: Adopted 31 Com. Reg. 29744 (Aug. 27, 2009); Proposed 31 Com. Reg. 29538 (May 20, 2009); Emergency 31 Com. Reg. 29483 (May 29, 2009).

### **§ 155-10.1-615      Earthquake and Typhoon Standards**

(a) Compliance with technically proper earthquake and typhoon standards is a matter of life and death for the residents of and visitors to the CNMI. The application of the proper earthquake reference standard is a technical matter which cannot be ignored. The determination of the maximum sustained winds in recent typhoons and super-typhoons is also a technical matter which cannot be ignored. There are, therefore, sound technical reasons to construe ambiguous statutory language from 1990 to provide for the minimum protective standards rather than ceilings.

(b) Notwithstanding a contrary reading of the language of 2 CMC § 7146 (Earthquake Design Requirements), for purposes of earthquakes design requirements, the Northern Mariana Islands have been declared by the United States Geographical Survey to be in Seismic Zone 4. Such a decision by the USGS shall be deemed conclusive. All structures which are required to meet earthquake construction requirements shall be designed and constructed to Seismic Zone 4 standards.

(c) Notwithstanding a contrary reading of the language of 2 CMC § 4147 (Typhoons), the minimum design strength of every building and structure and every portion thereof to which the Building Safety Code applies shall be designed and constructed to withstand the minimum horizontal and uplift pressure of wind velocity of at least 175 miles per hour.

History: Adopted 31 Com. Reg. 29744 (Aug. 27, 2009); Proposed 31 Com. Reg. 29538 (May 20, 2009); Emergency 31 Com. Reg. 29483 (May 29, 2009).

## **Part 700 -      Definitions**

### **§ 155-10.1-701      Statutory Definitions**

The definitions of 2 CMC § 7112 (Definitions) are adopted for this chapter without further detail, unless stated in the following subsections.

History: Adopted 31 Com. Reg. 29744 (Aug. 27, 2009); Proposed 31 Com. Reg. 29538 (May 20, 2009); Emergency 31 Com. Reg. 29483 (May 29, 2009).

**§ 155-10.1-705 Additional Definitions**

The following definitions shall apply to this chapter.

- (a) “Building safety code,” “safety code,” and “code” mean the International Building Code of 2009, including its energy codes, as adapted by the International Code Council, and as amended thereafter by regulations of the Building Safety Official.
- (b) “Building safety code review board” or “Board” shall mean either of the following upon the Executive Order of the Governor:
- (1) The Building Safety Code Review Board described in this Chapter 1\*, including 2 CMC sec. 7114 and 7125;
  - (2) Such other regulatory board designated by the Governor to fulfill the statutory responsibilities of the Building Safety Code Review Board: or
  - (3) A successor agency, or other instrumentality of the GNMI, that is authorized by the Board or otherwise by law, in writing to undertake specific notice, complaint, decision, enforcement, and/or other action of the matters addressed in this subchapter.
- (c) “Building Official” means the Building Safety Official.
- (d) “CABO code” or “Cabo code” means the IBC.
- (e) “Code” means the Building Safety Code.
- (f) “CPUC” means the Commonwealth Public Utilities Commission.
- (g) “CUC” means the Commonwealth Utilities Corporations.
- (h) “Delivered” or “Presented.” The term means:
- (1) Delivered in person;
  - (2) Deposited in the mail, with postage paid;
  - (3) Faxed, and a memo generated automatically by the sending fax machine or fax modem that the fax was received; or
  - (4) Emailed with an acknowledgment by the recipient that the email had been received.
- (i) “Electronic communication” means communication mediated by the following electronic means: fax, email, internet posting that allows the reader to access the information and download a copy of it, CD-ROM, DVD, diskette, thumb drive, or other portable memory device.
- (j) “Electronic Means” includes telephone, video-conference, electronic-communications-mediated written, aural and/or video means, including mediated through the internet, and/or email.
- (k) “Decision” includes the adoption of a plan, regulation, rule, resolution, opinion, order, or directive. Typically a decision is reduced to writing and includes a description or discussion of

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the reasons for it.

- (l) “IBC” means the International Building Code.
- (m) “ICC” means the International Code Council.
- (n) “International Building Code” means the code developed and published by the ICC, or its successor organizations.
- (o) “International Conference of Building Officials” shall mean International Code Council or its successor organizations.
- (p) “Mail” means one of the following mail services: U.S. Postal Service (USPS) first class mail, or priority mail, or Express Mail; overnight mail by one of the following private carriers, if they serve the CNMI: Airborne Express; DHL; FedEx; UPS; or the national postal services of the following countries, using service equivalent to or better than USPS airmail: Australia; China; Japan; Korea; Republic of the Philippines; any FAS state.
- (q) “Person” includes, but is not limited to a natural person, non-governmental organization, firm, association, partnership, limited liability company, corporation, and/or a government agency or other government corporation, political subdivision, or instrumentality of the CNMI or the United States.
- (r) “Real time” or “real-time” means immediately before, during and/or after, as in “as it happens.”
- (s) “Registered” means, when applied to a design or construction professional, or to a builder or tradesman, “licensed.”
- (t) “Safety Code” means the Building Safety Code.
- (u) “Signature” or “Signed” means as follows: The term includes a hard copy or an electronic communication that bears the hallmark of legitimacy, including original hard copy, xerox of an original, fax copy, electronic signature through use of a digital code, and an electronic copy of a hard copy signature if separately confirmed as true and correct.
- (v) “Uniform Building Code” shall be read to mean the IBC.
- (w) “Virtual” or “Virtually,” when used with respect to a meeting, means by electronic means that provide for real-time communication to and from the participants in such a manner that each participant can hear and/or read the comments of each other participant.
- (x) “Writing” includes hard copy, and electronic communications including such electronic formats as fax, email, pdf format and word processing formats which are generally commercially available.

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(y) Rules of Construction: The following rules of construction shall be applied to the regulations of this subchapter:

(1) “Include,” “includes,” or “including” shall be read as though followed by “but not limited to” or “but is not limited to.”

(2) The male, female, and neuter/neutral shall each be read to mean the other, unless the context expressly excludes such interpretation.

(3) The singular shall be read to mean the plural, and vice versa, except where the context specifically indicates otherwise.

\* So in original.

History: Adopted 31 Com. Reg. 29744 (Aug. 27, 2009); Proposed 31 Com. Reg. 29538 (May 20, 2009); Emergency 31 Com. Reg. 29483 (May 29, 2009).

Commission Comment: The Commission inserted commas after the words “code” in subsection (a), “enforcement” in subsection (b)(3), “drive” in subsection (i), “order” in subsection (k), “subdivision” in subsection (q), “includes” in subsection (y)(1), and “female” in subsection (y)(2) pursuant to 1 CMC § 3806(g). The Commission capitalized the words at the beginning of subsections (h)(1) through (h)(4) pursuant to 1 CMC § 3806(f). The Commission moved punctuation inside quotation marks in subsections (h), (r), (s), (w), and (y)(1) pursuant to 1 CMC § 3806(g). The Commission inserted a quotation mark in front of the word “presented” in subsection (h) pursuant to 1 CMC § 3806(g). The Commission corrected the capitalization of the word “regulations” in subsection (y) pursuant to 1 CMC § 3806(g). The Commission substituted section numbers pursuant to 1 CMC § 3806(d).

**Appendix A**  
**Guidance Standards through Building Safety Code**

Guidance shall be found in the International Building Code (“IBC”) of 2009, including its energy codes, as adopted by the International Code Council, and as amended thereafter by regulations of the Building Safety Official of the Department of Public Works.

History: Amdts Adopted 31 Com. Reg. 29744 (Aug. 27, 2009); Amdts Proposed 31 Com. Reg. 29538 (May 20, 2009); Emergency 31 Com. Reg. 29483 (May 29, 2009); Amdts Proposed 15 Com. Reg. 10556 (Apr. 15, 1993);\* Adopted 12 Com. Reg. 7508 (Dec. 15, 1990); Proposed 12 Com. Reg. 7321 (Sept. 15, 1990).

**Appendix B**  
**Testing Laboratories and Other Entities**

Approved Materials Testing Laboratories

- (a) Underwriter Laboratory
- (b) Factory Mutual
- (c) California State Fire Marshal

History: Amdts Adopted 31 Com. Reg. 29744 (Aug. 27, 2009); Amdts Proposed 31 Com. Reg. 29538 (May 20, 2009); Emergency 31 Com. Reg. 29483 (May 29, 2009); Amdts Proposed 15 Com. Reg. 10556 (Apr. 15, 1993);\* Adopted 12 Com. Reg. 7508 (Dec. 15, 1990); Proposed 12 Com. Reg. 7321 (Sept. 15, 1990).

Commission Comment: The 2009 amendments change the name of this appendix, but made no substantive changes.