

TITLE 2: NATURAL RESOURCES
DIVISION 7: BUILDING AND ZONING CODES

§ 7113. Applicability of the Code.

(a) *General.* This code shall apply to the location, design, material, construction, enlargement, maintenance, use, occupancy, and moving of any building or structure within the Commonwealth 180 days after February 2, 1990, except as exempted in this section or by regulation.

(b) *Traditional Structures Exempted.* Structures traditional to the Chamorro or Carolinian cultures, such as pala-palas, constructed primarily of natural materials indigenous to the Northern Mariana Islands are exempted from compliance with this code.

(c) *Applicability to Additions, Alterations, or Repairs.*

(1) Additions or alterations may be made to any building or structure without requiring the existing building or structure to comply with the requirements of this code, provided the addition or alteration itself conforms to the requirements of this code for a new building or structure. Additions or alterations shall not be made to an existing building or structure which will cause the existing building or structure to be in violation of any of the provisions of this code, nor shall such additions or alterations cause the existing building or structure to become unsafe. Any building to be added to or altered to permit a change in occupancy or use shall comply with all requirements of the zoning code (chapter 2 of this division [2 CMC § 7201 et seq.]) pertaining to such occupancy or use.

(2) Repairs to a building or structure, the cost of which do not exceed \$3,000, may be made without application or notice to the building safety official; provided, that the term repairs shall not include the removal or cutting of any structural beam or load bearing support, or the removal or change of any required means of egress, or rearrangement of such parts of a structure affecting the existing requirements.

(d) *Applicability to Existing Installations.*

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

(2) Where the use of a structure or building is changed, in whole or in part, the entire structure or building shall be made to comply with all provisions of this safety code applicable to that new use; provided, that in the event of partial change where the dwelling parts are separated from other parts of the structure or building by an approved fire separation, only such dwelling part shall be made to comply with the provisions of this safety code.

(e) *Applicability to Moved and Temporary Buildings and Structures.*

(1) Buildings or structures moved either into or within the jurisdiction of this code shall comply with the provisions of this code for new buildings or structures.

(2) Temporary structures such as fences, office trailers, sheds, and other miscellaneous structures used for the protection of the public around and in conjunction with construction work may be erected with a special expedited permit from the building safety official for a limited period of time. Such

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buildings or structures need not comply with the type of construction or fire-resistance time periods required by this code. The permittee shall completely remove any temporary buildings or structures upon the expiration of the time limit stated in the permit. No dwelling structure may be erected with such an expedited permit.

(3) Temporary structures such as reviewing stands, stages, canopies, outdoor kitchens and other miscellaneous structures used for public events of no more than one week's duration are exempted from this code. Such temporary structures for public events of longer duration may be erected with a special expedited permit from the building safety official. Such structures used for private purposes on private property are exempted from this code.

(f) *Applicability to Historic Buildings.* Repairs, alterations and additions necessary for the preservation, restoration, rehabilitation or continued use of a building or structure may be made without complying with all the requirements of this building safety code when authorized by the building safety official, provided:

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

(2) Any unsafe conditions are corrected; and

(3) The restored building or structure will be no more hazardous in terms of personal safety, fire safety, and sanitation than was the unrestored building or structure.

(g) *Applicability to Buildings under Construction.* Buildings or structures which are more than 25 percent constructed on February 2, 1990, shall be exempted from compliance with respect to such construction and with respect to the remaining percentage of construction if the owner of such building or structure shall register such construction with the building safety official within 30 days of February 2, 1990, and the building safety official shall certify the plans for such building or structure for the purpose of establishing the extent to which such construction is exempted. Subsequent enlargement or alteration of such building or structure shall comply with this code as herein provided. The board shall, by regulation, establish standards and procedures for determination of the percentage of construction, using the schedule of values agreed upon between the contractor and the owner or such other system as shall be appropriate and fair.

(h) *Applicability to Buildings in Designated Flood Hazard Zones.* Buildings in designated flood hazard zones must comply in all respects with the regulations adopted by the director.

(i) *Proper Maintenance of Buildings.* All devices or safeguards which are required by this safety code shall be maintained by the owner of the building or structure, or the owner's designated agent, at the minimum in conformance with the provisions of the safety code in effect at the time of installation. Buildings or structures permitted under the modification of code provisions of 2 CMC § 7114 shall be maintained in conformance with such modification.

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Source: PL 6-45, § 1 (§ 7113), modified; amended by PL 8-7, § 3.

Commission Comment: With respect to the reference to the “director” of the Department of Public Works, see Executive Order 94-3 (effective August 23, 1994), reorganizing the executive branch, changing agency names and official titles, and effecting other changes, set forth in the Commission comment to 1 CMC § 2001.