

TITLE 155: DEPARTMENT OF PUBLIC WORKS

**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 42 Com. Reg. 43713 (July 28, 2020); Amdts Proposed 42 Com. Reg. 43598 (May 28, 2020); 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.

History: Amdts Adopted 42 Com. Reg. 43713 (July 28, 2020); Amdts Proposed 42 Com. Reg. 43598 (May 28, 2020); 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:

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- (a) It shall be unlawful to make any change in the use or occupancy of any structure or 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 Residential 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.
- (e) The following minor repairs and accessory structure as describe below are exempted from requiring building permit.
- (1) Detached additional or accessory structures not exceeding 120 square feet in floor area.
 - (2) Non-structural (wire/wood) fences not over 7 feet.
 - (3) Retaining walls/fences (CMU/concrete) that are not over 4 feet in height measured from the bottom of the footing to the top of the wall.
 - (4) Water tanks supported directly on grade and capacity, and not greater than 5,000 gallons.
 - (5) Painting, tiling, papering, carpeting, cabinets, counter tops, and similar finishes, or door or window replacement that does not alter the original opening or structure.
 - (6) Swings and other playground equipment.
 - (7) Ordinary repairs that in total do not exceed \$5,000 in value.
 - (8) Structures traditional to the Chamorro or Carolinian cultures, such as pala-pala, constructed primarily of natural materials indigenous to the Northern Mariana Islands.

Modified, 1 CMC § 3806(a).

History: Amdts Adopted 42 Com. Reg. 43713 (July 28, 2020); Amdts Proposed 42 Com. Reg. 43598 (May 28, 2020); Adopted 12 Com. Reg. 7508 (Dec. 15, 1990); Proposed 12 Com. Reg. 7321 (Sept. 15, 1990).

Commission Comment: [Historical comments removed.]

§ 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.

History: Amdts Adopted 42 Com. Reg. 43713 (July 28, 2020); Amdts Proposed 42 Com. Reg. 43598 (May 28, 2020); Adopted 12 Com. Reg. 7508 (Dec. 15, 1990); Proposed 12 Com. Reg. 7321 (Sept. 15, 1990).

Commission Comment: [Historical comments removed.]

§ 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.

History: Amdts Adopted 42 Com. Reg. 43713 (July 28, 2020); Amdts Proposed 42 Com. Reg. 43598 (May 28, 2020); 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

(a) This Safety Code and the regulations in this subchapter apply to public buildings and construction projects. 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.

(b) Commonwealth departments, agencies, or other branches of government that exercise 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 this Safety Code and the regulations in this subchapter.

(c) Any employee or agency empowered to review the design or make inspections of such structures shall promptly report to their department or agency supervisor any violations of the provisions of the Safety Code and these regulations, for prompt reporting of the violation to the Building Safety Official.

(d) Every government agency shall apply for a permit, pay appropriate fees and collaborate with inspections prior to commencing work. No agency shall occupy a structure without a current certificate of occupancy.

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History: Amdts Adopted 42 Com. Reg. 43713 (July 28, 2020); Amdts Proposed 42 Com. Reg. 43598 (May 28, 2020); Adopted 12 Com. Reg. 7508 (Dec. 15, 1990); Proposed 12 Com. Reg. 7321 (Sept. 15, 1990).

Commission Comment: [Historical comments removed.]

§ 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.

History: Amdts Adopted 42 Com. Reg. 43713 (July 28, 2020); Amdts Proposed 42 Com. Reg. 43598 (May 28, 2020); Adopted 12 Com. Reg. 7508 (Dec. 15, 1990); Proposed 12 Com. Reg. 7321 (Sept. 15, 1990).

Commission Comment: [Historical comments removed.]

§ 155-10.1-027 Purpose; Energy and Energy Conservation [Repealed.]

[Repealed.]

History: Repealed 42 Com. Reg. 43713 (July 28, 2020); Repeal Proposed 42 Com. Reg. 43598 (May 28, 2020); 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: [Historical comments removed.]

§ 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.

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History: Amdts Adopted 42 Com. Reg. 43713 (July 28, 2020); Amdts Proposed 42 Com. Reg. 43598 (May 28, 2020); Adopted 12 Com. Reg. 7508 (Dec. 15, 1990); Proposed 12 Com. Reg. 7321 (Sept. 15, 1990).

Commission Comment: [Historical comments removed.]

§ 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.

History: Amdts Adopted 42 Com. Reg. 43713 (July 28, 2020); Amdts Proposed 42 Com. Reg. 43598 (May 28, 2020); Adopted 12 Com. Reg. 7508 (Dec. 15, 1990); Proposed 12 Com. Reg. 7321 (Sept. 15, 1990).

Commission Comment: [Historical comments removed.]

§ 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.

History: Amdts Adopted 42 Com. Reg. 43713 (July 28, 2020); Amdts Proposed 42 Com. Reg. 43598 (May 28, 2020); 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.

History: Amdts Adopted 42 Com. Reg. 43713 (July 28, 2020); Amdts Proposed 42 Com. Reg. 43598 (May 28, 2020); 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 officer names shall be stated on the application.

History: Amdts Adopted 42 Com. Reg. 43713 (July 28, 2020); Amdts Proposed 42 Com. Reg. 43598 (May 28, 2020); 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.

History: Amdts Adopted 42 Com. Reg. 43713 (July 28, 2020); Amdts Proposed 42 Com. Reg. 43598 (May 28, 2020); 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.

History: Amdts Adopted 42 Com. Reg. 43713 (July 28, 2020); Amdts Proposed 42 Com. Reg. 43598 (May 28, 2020); 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

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(a) 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.

(b) At a minimum, the site plan or civil plan shall consist of the following:

- (1) As-Built drawing showing the existing features within the site and surroundings as may be deemed necessary;
- (2) Setback measurement with respect to the lot lines and government right-of-way;
- (3) For structures in a flood zone, a finish floor elevation shall be referenced to a vertical datum;
- (4) With the exception of single family residential unit, include design layout and number of parking areas (stalls) and show intended vehicular movements within the parking area as well as ingress and egress;
- (5) Required applicable standard temporary safety traffic devices within the project;
- (6) Grading and drainage plan including driveway connection to the public right-of-way showing its gradient;
- (7) Location of existing utilities and the proposed point of connections;
- (8) Reference elevation to a local datum;
- (9) Construction debris management plan.

History: Amdts Adopted 42 Com. Reg. 43713 (July 28, 2020); Amdts Proposed 42 Com. Reg. 43598 (May 28, 2020); Adopted 12 Com. Reg. 7508 (Dec. 15, 1990); Proposed 12 Com. Reg. 7321 (Sept. 15, 1990).

Commission Comment: [Historical comments removed.]

§ 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.

History: Amdts Adopted 42 Com. Reg. 43713 (July 28, 2020); Amdts Proposed 42 Com. Reg. 43598 (May 28, 2020); Adopted 12 Com. Reg. 7508 (Dec. 15, 1990); Proposed 12 Com. Reg. 7321 (Sept. 15, 1990).

Commission Comment: [Historical comments removed.]

§ 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.

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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.

History: Amdts Adopted 42 Com. Reg. 43713 (July 28, 2020); Amdts Proposed 42 Com. Reg. 43598 (May 28, 2020); Adopted 12 Com. Reg. 7508 (Dec. 15, 1990); Proposed 12 Com. Reg. 7321 (Sept. 15, 1990).

Commission Comment: [Historical comments removed.]

§ 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.

History: Amdts Adopted 42 Com. Reg. 43713 (July 28, 2020); Amdts Proposed 42 Com. Reg. 43598 (May 28, 2020); 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.

History: Amdts Adopted 42 Com. Reg. 43713 (July 28, 2020); Amdts Proposed 42 Com. Reg. 43598 (May 28, 2020); 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.

History: Amdts Adopted 42 Com. Reg. 43713 (July 28, 2020); Amdts Proposed 42 Com. Reg. 43598 (May 28, 2020); Adopted 12 Com. Reg. 7508 (Dec. 15, 1990); Proposed 12 Com. Reg. 7321 (Sept. 15, 1990).

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Commission Comment: [Historical comments removed.]

§ 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.

History: Amdts Adopted 42 Com. Reg. 43713 (July 28, 2020); Amdts Proposed 42 Com. Reg. 43598 (May 28, 2020); 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.

History: Amdts Adopted 42 Com. Reg. 43713 (July 28, 2020); Amdts Proposed 42 Com. Reg. 43598 (May 28, 2020); Adopted 12 Com. Reg. 7508 (Dec. 15, 1990); Proposed 12 Com. Reg. 7321 (Sept. 15, 1990).

Commission Comment: [Historical comments removed.]

§ 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 calculations 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.

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History: Amdts Adopted 42 Com. Reg. 43713 (July 28, 2020); Amdts Proposed 42 Com. Reg. 43598 (May 28, 2020); 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: Amdts Adopted 42 Com. Reg. 43713 (July 28, 2020); Amdts Proposed 42 Com. Reg. 43598 (May 28, 2020); 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: [Historical comments removed.]

Part 200 – Inspection, Fees, and Compliance

§ 155-10.1-201 Inspection

(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

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other applicable laws, rules, and regulations.

(c) Re-inspections.

(1) A re-inspection fee may be assessed for each inspection or re-inspection 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 re-inspection 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 re-inspection.

(3) Re-inspection 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 re-inspection 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 re-inspection fee if so assessed in accordance with this subsection.

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

* Asterisk was present in the 2020 amendments.

History: Amdts Adopted 42 Com. Reg. 43713 (July 28, 2020); Amdts Proposed 42 Com. Reg. 43598 (May 28, 2020); 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: [Historical comments partially removed.] 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.

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History: Amdts Adopted 42 Com. Reg. 43713 (July 28, 2020); Amdts Proposed 42 Com. Reg. 43598 (May 28, 2020); 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.

History: Amdts Adopted 42 Com. Reg. 43713 (July 28, 2020); Amdts Proposed 42 Com. Reg. 43598 (May 28, 2020); Adopted 12 Com. Reg. 7508 (Dec. 15, 1990); Proposed 12 Com. Reg. 7321 (Sept. 15, 1990).

§ 155-10.1-211 Fences and Walls

(a) Purpose. The purpose of this chapter is to establish standards for fence and wall heights when located near the intersection of two roadways to provide for adequate line of sight at unsignalize intersections. Fences and wall construction code is located in the IBC.

(b) Permit Requirements. A permit is required for the construction of fences and walls greater than three feet. Such fences and walls shall be set back from the sidewalk or the property line when located at an intersection of two roadways, to provide required sight distance, per the review and approval of the Building Safety Code Official.

(c) Height Limits. All fences and walls shall comply with the height limits shown in Table 1 below.

(1) General Height Limits for Fences and Walls

Location of Fence/Wall	Maximum Height
Within required front yard	3 feet
Within required street side yard (i.e., along the street side of corner lots)	
4 feet from back of sidewalk	3 feet
4 feet from behind the property line	3 feet
Within required interior side and rear yard	7 feet
Within the line-of-sight, visibility area at an intersections of streets, alleys, and driveways	3 feet
Outside of required yard	7 feet

Modified, 1 CMC § 3806(a).

History: Adopted 42 Com. Reg. 43713 (July 28, 2020); Proposed 42 Com. Reg. 43598 (May 28, 2020).

§ 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,

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or other applicable laws, or in an unsafe and dangerous manner, the Building Safety Official shall issue a stop work 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.

Modified, 1 CMC § 3806(d), (f), (g).

History: Amdts Adopted 42 Com. Reg. 43713 (July 28, 2020); Amdts Proposed 42 Com. Reg. 43598 (May 28, 2020); Adopted 12 Com. Reg. 7508 (Dec. 15, 1990); Proposed 12 Com. Reg. 7321 (Sept. 15, 1990).

Commission Comment: [Historical comments partially removed.] 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.

History: Amdts Adopted 42 Com. Reg. 43713 (July 28, 2020); Amdts Proposed 42 Com. Reg. 43598 (May 28, 2020); Adopted 12 Com. Reg. 7508 (Dec. 15, 1990); Proposed 12 Com. Reg. 7321 (Sept. 15, 1990).

Commission Comment: [Historical comments removed.]

§ 155-10.1-225 Fees

(a) Before a building permit is issued, a permit fee statement will be issued by the Division of Building Safety and shall be paid to the CNMI Treasury in accordance with the following schedule based upon valuation of the proposed work.

(1) The applicant for a permit shall provide an estimated permit value at time of application. Permit valuations shall include total value of work, including materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment and permanent systems. If, in the opinion of the Building Official, the valuation is underestimated on the application, the permit shall be denied, unless the applicant can show detailed estimates to meet the approval of the Building Official. Final building permit valuation shall be set by the Building Official.

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(2) 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, 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.

(3) Plan Review Fees

Residential Plan Review		
	Single Family Plan Review	
	\$1.00 – 1,999	\$0. See paragraph (c), just below.
	\$2,000 - \$25,000	½ bldg. permit fee. See paragraph (c), just below.
	\$25,001 & up	¾ bldg. permit fee. See paragraph (c), just below.
	Multiple Residential. Plan Review	
	\$1.00 - \$999	\$0. See paragraph (c), just below.
\$1,000 and up	¾ bldg. permit fee. See paragraph (c), just below.	
Commercial Plan Review		
	\$1.00 - \$999	\$0. See paragraph (c),

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		just below.
	\$1,000 and up	¾ bldg. permit fee. See paragraph (c), just below.

(4) Demolition Permit Fees:

Description	Fee
Residential	\$100.00
Residential with basement	\$250
Residential two story high or more	\$350+250 per additional story
Residential two story high with basement	\$400+\$250 per additional story
Commercial and other type of building with floor area not exceeding 5,000 square feet.	\$350+10.00 per 100 square feet in excess of 5000 Sq. ft. or fraction thereof
Commercial and other type of building not more than 3 floors in height.	\$500+\$200 per floor exceeding three floors

(5) Sign Construction Permit Fees

Description	Fee
Sign type (Advertisement, Commercial & Neon)	\$100.00

(6) Other Fees

Copy of Building Permits (Placard and Applications)	\$20.00 a copy per set	
Change of Contractor/Company Name/Information	\$20.00	
Revised Plan	\$50.00 per residential revision \$150.00 per commercial revision	
Schedule of Inspection request	\$20.00 per residential revision \$100.00 per commercial/ multi-family	
Re-inspection	\$45.00/per hour	
Other Inspection/Reinspection Fee	\$45.00/per hour	
Certificate of Occupancy (including Temporary)	\$25.00	
Digital Copy of a Plan, 18"x24"	\$3.00/per sheet	
Digital Copy of a Plan, 24"x36"	\$5.00/per sheet	
	Photocopies	\$0.50 per page letter or legal
	Photocopies, certified	\$2.50 per page
	Electronic files on CD	\$15.00 for each CD
	Electronic files on DVD	\$25.00 for each DVD
	Copies of meeting/hearing recording on flash drive	\$25.00 per flash drive
	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

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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 whose valuation is over \$2,000 and less than \$25,000, the plan-review fee shall be one half the building permit fee. For single-family dwelling whose valuation is \$25,001.00 and over, the plan-review fee shall be three-fourths the building permit fee.

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

History: Amdts Adopted 42 Com. Reg. 43713 (July 28, 2020); Amdts Proposed 42 Com. Reg. 43598 (May 28, 2020); 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: [Historical comments partially removed.] 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

A building permit shall be deemed abandoned, whenever a cessation in construction of an approved building or structure exists of more than 180 calendar days, as evidenced by a failure to initiate work, or to call for inspections or ask for an extension. After such a lapse in construction, a new permit with payment of associated fees, must be secured. 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.

History: Amdts Adopted 42 Com. Reg. 43713 (July 28, 2020); Amdts Proposed 42 Com. Reg. 43598 (May 28, 2020); Amdts Adopted 42 Com. Reg. 43713 (July 28, 2020); Amdts Proposed 42 Com. Reg. 43598 (May 28, 2020); 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

(a) 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, unless otherwise provided for in § 155-10.1-301(b). The certificate of occupancy shall remain posted indefinitely in a conspicuous place. An Annual

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Certificate of Compliance for commercial property shall be issued with a term of one year only as provided for in § 155-10.1-335.

(b) Temporary occupancy. The Building Safety Official is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the permit, provided that such portion or portions shall be occupied safely. The Building Safety Official shall set a time period during which the temporary certificate of occupancy is valid.

History: Amdts Adopted 42 Com. Reg. 43713 (July 28, 2020); Amdts Proposed 42 Com. Reg. 43598 (May 28, 2020); 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.

History: Amdts Adopted 42 Com. Reg. 43713 (July 28, 2020); Amdts Proposed 42 Com. Reg. 43598 (May 28, 2020); 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.

History: Amdts Adopted 42 Com. Reg. 43713 (July 28, 2020); Amdts Proposed 42 Com. Reg. 43598 (May 28, 2020); 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.

History: Amdts Adopted 42 Com. Reg. 43713 (July 28, 2020); Amdts Proposed 42 Com. Reg. 43598 (May 28, 2020); 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.

History: Amdts Adopted 42 Com. Reg. 43713 (July 28, 2020); Amdts Proposed 42 Com. Reg. 43598 (May 28, 2020); 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 Code and the regulations in this subchapter.

History: Amdts Adopted 42 Com. Reg. 43713 (July 28, 2020); Amdts Proposed 42 Com. Reg. 43598 (May 28, 2020); Adopted 12 Com. Reg. 7508 (Dec. 15, 1990); Proposed 12 Com. Reg. 7321 (Sept. 15, 1990).

Commission Comment: [Historical comments removed.]

§ 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.

History: Amdts Adopted 42 Com. Reg. 43713 (July 28, 2020); Amdts Proposed 42 Com. Reg. 43598 (May 28, 2020); Adopted 12 Com. Reg. 7508 (Dec. 15, 1990); Proposed 12 Com. Reg. 7321 (Sept. 15, 1990).

Commission Comment: [Historical comments removed.]

§ 155-10.1-335 Annual Certificate of Compliance

(a) **Applicability.** Any commercial occupancy is required to secure an annual inspection of its premises for compliance with the Building Safety Code and fitness of the structure for its intended commercial purpose. A Certificate of Compliance must also be secured whenever there is a change of use or occupancy.

(b) **Inspections.** Inspectors from the Division of Building Safety will assess each commercial occupancy in whole or in part, based on the following methodology as defined by the Building Safety Official:

(1) **Business.** Includes office space, retail, schools, professional services, and personal care businesses. Building owners/managers are included in the Annual Inspection requirements for its landings, stairways, and interior spaces open to tenants but not subject to lease. The entire premises are subject to this inspection. When multiple licensed businesses operate in a common space or office suite, the lessee shall be responsible for securing the Annual Certificate of Compliance.

(2) **Restaurants.** Includes single-room, kitchen only, facilities greater than 50 square feet with only a takeout counter, and establishments with inside customer seating. The entire premises are subject to this inspection.

(3) **Industrial.** Includes light industrial, manufacturing, automotive repair, commercial storage, machine shops and similar facilities as determined by the Building Safety Official. The entire premises are subject to this inspection.

(4) **Apartments.** Includes any set of rooms for dwelling that contain a kitchen and bathroom, that is part of a larger building, and made available for occupancy for periods of greater than one month. Inspection of apartments buildings are as follows:

(i) Less than (5) units: entire premises are subject to this inspection.

(ii) Between (5) and (12) units: All common areas and 50 percent of the residential units shall be inspected.

(iii) Greater (12) units: All common areas and 35 percent of the residential units shall be inspected.

(5) **Hotel/Resorts.** All common areas, office space and staff only facilities, such as laundry, storage and other facilities, are subject to inspection. Hotel/Resort restaurants are subject to separate inspection requirements under this regulation. Inspection of dwelling rooms are as follows:

(i) Less than (5) units: entire premises are subject to this inspection.

(ii) Between (5) and (12) units: All common areas and 50 percent of the dwelling rooms shall be inspected.

(iii) Greater (12) units and less than (50) units: All common areas and 40 percent of the

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dwelling rooms shall be inspected.

(iv) Greater than (50) Units. All common areas and 30 percent of the dwelling rooms shall be inspected.

(6) Residential Rentals/ Bed and Breakfasts. This includes single family housing units, residential units used as Bed and Breakfasts, Airbnb, and similar rentals. The entire premises are subject to this inspection.

(c) Fees. All fees must be paid to the CNMI Treasury based on an Assessment Statement from Division of Building Safety. Payment must be made in advance of scheduling an inspection. Fee are assessed based on the intended use of the commercial space, as provided in the following chart:

Description	Fee
Business	
Building Common Areas	
Offices – less than 5 Rooms	\$50.00
Offices – More than 5, less than 12 Rooms	\$100.00
Offices – 12 or more Rooms	\$150.00
Restaurants	
Kitchen-Only Facility	\$50.00
Restaurants w/ Interior Customer Seating	\$70.00
Industrial Commercial Space	\$100.00
Apartments	
Less than 5 Units	\$70.00
Between 5 and 12 Units	\$85.00
Greater than 12 Units	\$100.00
Hotels/Resorts	
Less than 5 Dwelling Rooms	\$100.00
Between 5 and 12 Dwelling Rooms	\$150.00
Greater than 12 and less than 50 Dwelling Rooms	\$200.00
Greater than 50 Dwelling Rooms	\$250.00
Residential Rentals/Bed and Breakfasts	\$70.00

(d) Issuance. The Division of Building Safety shall issue Certificates of Annual Compliance within 5 days of a successful inspection. The Certificate shall be posted in a conspicuous place.

(e) Renewals. All commercial operators must schedule an annual inspection to renew a Certificate of Occupancy at least 30 calendar days but no less than 10 calendar days prior to expiration.

(f) Violations. Failure to secure a certificate of compliance raised issues of non-habitability, and will lead to the revocation of any existing Building Occupancy Permit.

Modified, 1 CMC § 3806(g).

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History: Adopted 42 Com. Reg. 43713 (July 28, 2020); Proposed 42 Com. Reg. 43598 (May 28, 2020).

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.

(c) When it is necessary to demolish existing building or structure for the purpose of expansion, revitalization or obliteration of existing structure or existing housing area. To demolish means to do anything in the removal of a building in its entirety or any material part thereof. Deconstruction is a process in which the building is carefully dismantled and building materials are removed for future use. This process is applicable to metal buildings or pre-engineered structures and pre-engineered buildings. The Building Safety Official is tasked to develop policies on demolition or deconstruction including processing of demolition permits and inspections. (See attached demolition fee schedule.)

History: Amdts Adopted 42 Com. Reg. 43713 (July 28, 2020); Amdts Proposed 42 Com. Reg. 43598 (May 28, 2020); 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.

History: Amdts Adopted 42 Com. Reg. 43713 (July 28, 2020); Amdts Proposed 42 Com. Reg. 43598 (May 28, 2020); 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

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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, 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.

History: Amdts Adopted 42 Com. Reg. 43713 (July 28, 2020); Amdts Proposed 42 Com. Reg. 43598 (May 28, 2020); Adopted 12 Com. Reg. 7508 (Dec. 15, 1990); Proposed 12 Com. Reg. 7321 (Sept. 15, 1990).

Commission Comment: [Historical comments removed.]

§ 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.

History: Amdts Adopted 42 Com. Reg. 43713 (July 28, 2020); Amdts Proposed 42 Com. Reg. 43598 (May 28, 2020); 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.

(d) Advertisement, Commercial and Neon Signs. No free-standing advertisement, commercial or neon signs, or signage permanently affixed to a structure shall be erected outside of the government rights-of-way without first securing a building permit and inspection.

History: Amdts Adopted 42 Com. Reg. 43713 (July 28, 2020); Amdts Proposed 42 Com. Reg. 43598 (May 28, 2020); Adopted 12 Com. Reg. 7508 (Dec. 15, 1990); Proposed 12 Com. Reg. 7321 (Sept. 15, 1990).

Commission Comment: [Historical comments removed.]

§ 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.

History: Amdts Adopted 42 Com. Reg. 43713 (July 28, 2020); Amdts Proposed 42 Com. Reg. 43598 (May 28, 2020); 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

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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.

(e) Table of Fines.

Reference CNMI Admin Code	Violations	OFFENSE		
		First	Second	Third
Part 500, § 155-10.1-501	Performed construction work on building or structure without valid Building Permit	\$100.00	\$300.00	\$500.00
Part 200, § 155-10.1-201	Failed to notify Building Official for routine inspections before proceeding with the next phase of work.	\$50.00	\$100.00	\$200.00
Part 200, § 155-10.1-201	Neglects the Stop Work Order by the Building Safety Official	\$100.00	\$200	Revoke Permit
1.6 Part 400	Failed to vacate unsafe building or structure when ordered by the Building Safety Official.	\$300.00	\$400.00	\$500.00
Need inclusion in, § 155-10.1-420	Unauthorized removal, destruction or defacing of signs posted by the order or the Building Safety Official	\$100.00	\$200.00	\$300.00
Part 300, § 155-10.1-301	Failed to secure Certificate of Occupancy of a building or structure	\$100.00	\$200.00	\$300.00
Part 300, § 155-10.1-335	Failed to renew Annual Certificate of Compliance within 30 calendar days of expiration.	\$50.00	\$100.00	\$200.00
Part 100, § 155-10.1-035	Failure to request authorization to use alternate material, device or equipment	\$100.00	\$200.00	\$300.00
Part 100, § 155-10.1-005	Existing Structure – Illegal change in use or occupancy of any structure or building without the approval of the Building	\$200.00	\$300.00	\$500.00

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	Safety Official			
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Modified, 1 CMC § 3806(a).

History: Amdts Adopted 42 Com. Reg. 43713 (July 28, 2020); Amdts Proposed 42 Com. Reg. 43598 (May 28, 2020); 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: [Historical comments removed.] The 2009 amendments amended subsection (c).

Part 600 - Building and Energy Codes

§ 155-10.1-601 International Building Code of

The International Building Code (“IBC”) of 2018, which includes its ICC Family of codes such as the International Residential Code and 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 2018, 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: Amdts Adopted 42 Com. Reg. 43713 (July 28, 2020); Amdts Proposed 42 Com. Reg. 43598 (May 28, 2020); 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: [Historical comments removed.]

§ 155-10.1-605 Tropical Energy Code Adopted

(a) The Model Tropical Energy Code (“TEC”) 2014, 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 2018, 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: Amdts Adopted 42 Com. Reg. 43713 (July 28, 2020); Amdts Proposed 42 Com. Reg. 43598 (May 28, 2020); 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: [Historical comments partially removed.]

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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 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: Amdts Adopted 42 Com. Reg. 43713 (July 28, 2020); Amdts Proposed 42 Com. Reg. 43598 (May 28, 2020); 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.

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History: Amdts Adopted 42 Com. Reg. 43713 (July 28, 2020); Amdts Proposed 42 Com. Reg. 43598 (May 28, 2020); 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: Amdts Adopted 42 Com. Reg. 43713 (July 28, 2020); Amdts Proposed 42 Com. Reg. 43598 (May 28, 2020); 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 Official” means the Building Safety Official.
- (c) “Code” means the Building Safety Code.
- (d) “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.
- (e) “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.
- (f) “Electronic Means” includes telephone, video-conference, electronic-communications-mediated written, aural and/or video means, including mediated through the internet, and/or email.
- (g) “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 the reasons for it.
- (h) “IBC” means the International Building Code.

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- (i) “ICC” means the International Code Council.
- (j) “International Building Code” means the code developed and published by the ICC, or its successor organizations.
- (k) “International Conference of Building Officials” shall mean International Code Council or its successor organizations.
- (l) “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.
- (m) “Multiple Residential” are multi-family residential housing units for residential inhabitants contained within one complex. Units can be next to each other or stacked on top of each other, such as an apartment building of condominium plat.
- (n) “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.
- (o) “Real time” or “real-time” means immediately before, during and/or after, as in “as it happens.”
- (p) “Registered” means, when applied to a design or construction professional, or to a builder or tradesman, “licensed.”
- (q) “Safety Code” means the Building Safety Code.
- (r) “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.
- (s) “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.
- (t) “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.
- (u) Rules of Construction: The following rules of construction shall be applied to the

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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. Probably should be “International Building Code of 2018” to be consistent with the 2020 amendments to § 155-10.1-601.

Modified, 1 CMC § 3806(a).

History: Amdts Adopted 42 Com. Reg. 43713 (July 28, 2020); Amdts Proposed 42 Com. Reg. 43598 (May 28, 2020); 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: [Historical comments removed.]

Appendix A
Guidance Standards through Building Safety Code

Guidance shall be found in the International Building Code (“IBC”) of 2018, 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 42 Com. Reg. 43713 (July 28, 2020); Amdts Proposed 42 Com. Reg. 43598 (May 28, 2020); 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

Modified, 1 CMC § 3806(g).

History: Amdts Adopted 42 Com. Reg. 43713 (July 28, 2020); Amdts Proposed 42 Com. Reg. 43598 (May 28, 2020); 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.