

**CHAPTER 72-10
ADMINISTRATION OF THE FIRE SAFETY CODE RULES AND
REGULATIONS**

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Subchapter Authority: 1 CMC § 2507; 1 CMC §§ 28001–28073; 2 CMC §§ 7301–7340.

Subchapter History: Amdts Adopted 40 Com. Reg. 40564 (Feb. 28, 2018); Amdts Proposed 40 Com. Reg. 40517 (Jan. 28, 2018); Amdts Adopted 36 Com. Reg. 35612 (Oct. 28, 2014); Amdts Proposed 36 Com. Reg. 35411 (Aug. 28, 2014); Amdts Adopted 34 Com. Reg. 32272 (Jan. 30, 2012); Amdts Proposed 33 Com. Reg. 31860 (Aug. 23, 2011); Amdts Adopted 27 Com. Reg. 25146 (Oct. 24, 2005); Amdts Proposed 27 Com. Reg. 24913 (Sept. 22, 2005); Adopted 24 Com. Reg. 19116 (Apr. 29, 2002); Proposed 23 Com. Reg. 18610 (Nov. 23, 2001).

Commission Comment: PL 1-8, tit. 1, ch. 10, codified as amended at 1 CMC §§ 2501-2507, creates the Department of Public Safety (DPS) within the Commonwealth government, formerly composed of a police force and a fire service. See 1 CMC § 2501; see also PL 14-25 § 3 (effective Aug. 20, 2004) (amending 1 CMC § 2501). 1 CMC § 2507 directs the Department to adopt rules and regulations regarding activities over which it has jurisdiction.

PL 11-56 (effective Feb. 1, 1999), the “Commonwealth Fire Safety Code Act of 1998,” codified as amended at 2

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CMC §§ 7301-7340, establishes a fire safety code for the Commonwealth. See 2 CMC § 7311. 2 CMC § 7321 granted the Fire Division of DPS the power and duty to control fire, to remove fire liabilities, and to enforce all law relating to fires and fire control.

The 2005 amendments re-promulgated this subchapter in its entirety.

PL 18-73 (effective Jan. 25, 2015), the “Department of Fire and Emergency Medical Services Act,” codified as amended at 1 CMC §§ 28001-28053, created the Department of Fire and Emergency Medical Services (DFEMS) within the Commonwealth government. 1 CMC § 28006 directs the Department to adopt rules and regulations regarding activities over which it has jurisdiction.

These regulations were initially adopted by the Department of Public Safety pursuant to its authority under 1 CMC § 2507. Prior to the 2015 establishment of DFEMS, these regulations were located at Title 150, Subchapter 40.1.

Part 001 - General Provisions

§ 72-10-001 Authority

The Department of Fire and Emergency Medical Services is empowered by the Legislature to adopt regulations for the administration and enforcement of the Fire Code Safety Act of 1998 and the creation of fire lanes. See 1 CMC § 28001; 1 CMC § 28062; and 2 CMC §§ 7339(f), 7340(a).

History: Amdts Adopted 40 Com. Reg. 40564 (Feb. 28, 2018); Amdts Proposed 40 Com. Reg. 40517 (Jan. 28, 2018); Amdts Adopted 36 Com. Reg. 35612 (Oct. 28, 2014); Amdts Proposed 36 Com. Reg. 35411 (Aug. 28, 2014); Amdts Adopted 27 Com. Reg. 25146 (Oct. 24, 2005); Amdts Proposed 27 Com. Reg. 24913 (Sept. 22, 2005); Adopted 24 Com. Reg. 19116 (Apr. 29, 2002); Proposed 23 Com. Reg. 18610 (Nov. 23, 2001).

Modified, 1 CMC § 3806(g).

Commission Comment: The 2005 amendments re-promulgated this subchapter in its entirety. The Commission, therefore, cites the 2005 amendments in the history sections throughout this subchapter.

See the Chapter Comment regarding the reference to the Department of Public Safety.

§ 72-10-005 Purpose and Title

(a) Purpose. The Fire Code Regulations govern the administration and enforcement of the Fire Code Safety Act of 1998. See 2 CMC §§ 7301-7340.

(b) Title. The regulations contained in this subchapter may be cited as the “Fire Code Regulations.”

History: Amdts Adopted 36 Com. Reg. 35612 (Oct. 28, 2014); Amdts Proposed 36 Com. Reg. 35411 (Aug. 28, 2014); Amdts Adopted 27 Com. Reg. 25146 (Oct. 24, 2005); Amdts Proposed 27 Com. Reg. 24913 (Sept. 22, 2005); Adopted 24 Com. Reg. 19116 (Apr. 29, 2002); Proposed 23 Com. Reg. 18610 (Nov. 23, 2001).

§ 72-10-010 Cooperation with Other Agencies

(a) The Fire Prevention and Arson Investigation Unit will actively cooperate with any government agency that permits any building, structure, or activity that is governed by the Fire

Code.

(b) Any government agency may contact the Fire Prevention and Arson Investigation Unit to streamline the permit process and ensure that the applicant or permittee is or will be in full compliance with the Fire Code.

History: Amdts Adopted 36 Com. Reg. 35612 (Oct. 28, 2014); Amdts Proposed 36 Com. Reg. 35411 (Aug. 28, 2014); Amdts Adopted 27 Com. Reg. 25146 (Oct. 24, 2005); Amdts Proposed 27 Com. Reg. 24913 (Sept. 22, 2005); Adopted 24 Com. Reg. 19116 (Apr. 29, 2002); Proposed 23 Com. Reg. 18610 (Nov. 23, 2001).

§ 72-10-015 Scope

This code governs:

- (a) The manufacturing, storage, handling, use, sale, and transportation of hazardous materials, combustible materials, and devices that create fire hazards.
- (b) The design, installation, operation, and maintenance of devices, equipment, and systems designed to prevent, mitigate, control, and extinguish fire, explosions, or other life safety hazards.
- (c) Emergency preparedness and planning, including the orderly evacuation of occupants of buildings, structures, or premises in the event of fire, explosion, biological, chemical, or hazardous material incident or release, natural disaster, or other emergency, or the threat thereof.
- (d) The prevention, mitigation, and control of fire hazards.
- (e) The prevention, mitigation, and control of hazards to firefighters and emergency responders during emergency operations.
- (f) The operation and maintenance of any manual, automatic, or other fire alarm or fire extinguishing device, equipment, or system.

History: Adopted 36 Com. Reg. 35612 (Oct. 28, 2014); Proposed 36 Com. Reg. 35411 (Aug. 28, 2014).

Commission Comment: The Commission corrected the designation of subsection (f) pursuant to 1 CMC § 3806(a). The Commission inserted commas after the words “sale” in subsection (a), “operation,” “equipment,” “control,” and “explosions” in subsection (b), “structures,” “chemical,” and “disaster” in subsection (c), and “automatic” and “equipment” in subsection (f) pursuant to 1 CMC § 3806(g).

Part 100 - General Requirements

§ 72-10-101 Existing Buildings

If the Fire Prevention and Arson Investigation Unit is informed that a building, structure, or activity is in violation of Fire Code Regulations, then the Fire Prevention and Arson Investigation Unit will ask the owner, occupant, or responsible person for permission to inspect the premises.

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History: Amdts Adopted 36 Com. Reg. 35612 (Oct. 28, 2014); Amdts Proposed 36 Com. Reg. 35411 (Aug. 28, 2014); Amdts Adopted 27 Com. Reg. 25146 (Oct. 24, 2005); Amdts Proposed 27 Com. Reg. 24913 (Sept. 22, 2005); Adopted 24 Com. Reg. 19116 (Apr. 29, 2002); Proposed 23 Com. Reg. 18610 (Nov. 23, 2001).

Commission Comment: The text of this section was designated as subsection (b) in the 2014 amendments. As there were no other subsections, the Commission removed the subsection designation pursuant to 1 CMC § 3806(a).

§ 72-10-105 Unsafe Structures

Any building, dwelling, or structures found unsafe will be given notice of abatement. This notice will serve as a temporary closure of building and or operation until such time deficiencies rendering it unsafe are rectified.

Modified, 1 CMC § 3806(g).

History: Amdts Adopted 27 Com. Reg. 25146 (Oct. 24, 2005); Amdts Proposed 27 Com. Reg. 24913 (Sept. 22, 2005); Adopted 24 Com. Reg. 19116 (Apr. 29, 2002); Proposed 23 Com. Reg. 18610 (Nov. 23, 2001).

Commission Comment: The Commission changed “is” to “are” to correct a manifest error.

§ 72-10-110 Certificate of Fire Report

(a) Any person whose house, property, or business establishment is damaged by fire may request a certificate of fire report from the Fire Prevention and Arson Investigation Unit. A certificate of fire report is an acknowledgement from the Fire Prevention and Arson Investigation Unit that a fire occurred. The certificate may include information about the cause of the fire and the extent of the damage caused by the fire. Generally, a certificate of fire report will be completed within ten business days of the fire responsible for the damage.

(b) The office of Fire Prevention and Arson Investigation Unit will not issue an investigation report without written authorization from the Director or the Commissioner of the Department of Public Safety.

(c) The Fire Prevention and Arson Investigation Unit may withhold information regarding a fire if the information is part of a criminal investigation or its release would otherwise endanger the community.

History: Amdts Adopted 36 Com. Reg. 35612 (Oct. 28, 2014); Amdts Proposed 36 Com. Reg. 35411 (Aug. 28, 2014); Amdts Adopted 27 Com. Reg. 25146 (Oct. 24, 2005); Amdts Proposed 27 Com. Reg. 24913 (Sept. 22, 2005); Adopted 24 Com. Reg. 19116 (Apr. 29, 2002); Proposed 23 Com. Reg. 18610 (Nov. 23, 2001).

Commission Comment: See the Chapter Comment regarding the reference to the Department of Public Safety.

§ 72-10-115 Fireworks

(a) It shall be unlawful for any person or business to distribute, store, or sell class “C” fireworks without a valid permit from the Fire Prevention Office.

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(b) It shall be unlawful for any person or business to store, use, or sell class “B” fireworks without approval from the Governor’s office. After approval from the Governor, office of Fire Prevention Section must be advised regarding such activities.

Modified, 1 CMC § 3806(f), (g).

History: Amdts Adopted 27 Com. Reg. 25146 (Oct. 24, 2005); Amdts Proposed 27 Com. Reg. 24913 (Sept. 22, 2005); Adopted 24 Com. Reg. 19116 (Apr. 29, 2002); Proposed 23 Com. Reg. 18610 (Nov. 23, 2001).

Commission Comment: In subsection (a), the Commission corrected the spelling of “distribute.” In subsection (b), the Commission corrected the spelling of “business” and “advised.”

§ 72-10-120 Fire Hydrant

(a) It shall be unlawful for any person to use or draw water from any fire hydrants without proper written permission from the Director of Fire. Any person found will be cited for tampering with fire appurtenances.

(b) Any persons who wish to use or draw water from a fire hydrant must obtain a permit from the Fire Prevention and Arson Investigation Unit. They will also be required to obtain clearance from the Commonwealth Utilities Corporation prior to obtaining a permit from the Fire Prevention and Arson Investigation Unit.

(c) It shall be the responsibility of the Fire Prevention and Arson Investigation Unit to perform periodic maintenance on fire hydrants to determine serviceability, water pressure during peak and regular hours, landmark hydrants so that locating it would not be a problem during night or inclement weather. Any hydrants found with major damage shall be reported to the proper agency for repair or removal.

(d) Any person or motorist responsible for damaging any hydrant will be liable for the cost of repairing the hydrant or for a new replacement.

Modified, 1 CMC § 3806(g).

History: Amdts Adopted 36 Com. Reg. 35612 (Oct. 28, 2014); Amdts Proposed 36 Com. Reg. 35411 (Aug. 28, 2014); Amdts Adopted 27 Com. Reg. 25146 (Oct. 24, 2005); Amdts Proposed 27 Com. Reg. 24913 (Sept. 22, 2005); Adopted 24 Com. Reg. 19116 (Apr. 29, 2002); Proposed 23 Com. Reg. 18610 (Nov. 23, 2001).

Commission Comment: In subsection (a), the Commission corrected the spelling of “appurtenances.” In subsection (b), the Commission changed “person” to “persons” to correct a manifest error.

See the Chapter Comment regarding the reference to the Director of Fire.

Part 200 - Inspections for New Permits

§ 72-10-201 Inspection and Reinspection

(a) The procedure prescribed by this subsection applies to all inspections and reinspections of buildings, structures, or activities.

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- (b) The designated official will conduct an inspection or reinspection. The purpose of the inspection or reinspection is to ascertain compliance with Fire Code Regulations and the Fire Code Safety Act of 1998.
- (c) If the designated official determines that the building, structure, or activity is in compliance with the Fire Code Regulations and the Fire Code Safety Act of 1998, then the official will process the application for a permit or take other action as necessary.
- (d) If the buildings, structure, or activity is not in compliance with the Fire Code Regulations or the Fire Code Safety Act of 1998, then the official will issue a written report identifying specific violations of the Fire Code Regulations or the Fire Code Safety Act of 1998.
- (e) If the building, structure, or activity is not in compliance with the Fire Code Regulations or the Fire Code Safety Act of 1998, then the official will schedule a reinspection. The date and time of the reinspection will be within the discretion of the Fire Prevention and Arson Investigation Unit. However, the designated official will attempt to schedule a time and date convenient to the responsible person. The following will be considered when scheduling a reinspection:
- (1) The specific violations of the Fire Code Regulations or the Fire Code Safety Act of 1998;
 - (2) The risk to life, property, and the environment created by the violations identified in the written report;
 - (3) The difficulty and time required to redress the violations identified in the written report;
 - (4) The number of previous inspections.
- (f) A copy of the written report identifying specific violations will be given to the owner, occupant, or responsible person.
- (g) The designated official may issue an order of closure if the hazards created by the violations pose a substantial risk to life, property, or the environment. The designated official must issue an order of closure if the building, structure, or activity has been reinspected three times and has not come into compliance with the Fire Code Regulations and the Fire Code Safety Act of 1998.

History: Amdts Adopted 36 Com. Reg. 35612 (Oct. 28, 2014); Amdts Proposed 36 Com. Reg. 35411 (Aug. 28, 2014); Amdts Adopted 27 Com. Reg. 25146 (Oct. 24, 2005); Amdts Proposed 27 Com. Reg. 24913 (Sept. 22, 2005); Adopted 24 Com. Reg. 19116 (Apr. 29, 2002); Proposed 23 Com. Reg. 18610 (Nov. 23, 2001).

Commission Comment: The 2014 amendments repealed former sections 150-40.1-205 through 150-40.1-215.

Part 300 - Unannounced Inspections for Existing Permit Holders

§ 72-10-301 Unannounced Inspections

Unannounced inspections of permit holders and non-permit holders may be conducted by any official designated by the Fire Prevention and Arson Investigation Unit on any building, premises, business, activity, engagement, or function regulated by the applicable code. The Fire

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Prevention and Arson Investigation Unit will not charge a fee for an unannounced inspection.

History: Amdts Adopted 36 Com. Reg. 35612 (Oct. 28, 2014); Amdts Proposed 36 Com. Reg. 35411 (Aug. 28, 2014); Amdts Adopted 27 Com. Reg. 25146 (Oct. 24, 2005); Amdts Proposed 27 Com. Reg. 24913 (Sept. 22, 2005); Adopted 24 Com. Reg. 19116 (Apr. 29, 2002); Proposed 23 Com. Reg. 18610 (Nov. 23, 2001).

Commission Comment: This section was originally an introduction to § 1009, codified at part 300. The Commission created the section title.

The 2002 notice of adoption changed the proposed language of this section.

The 2014 amendments repealed former sections 150-40.1-305 through 150-40.1-320.

Part 400 - Fire Lanes

§ 72-10-401 Definitions

- (a) “Commissioner” means the Commissioner of the Department of Fire and Emergency Medical Services.
- (b) “Department” means the Department of Fire and Emergency Medical Services.
- (c) “Fire lane” means the unobstructed area or passageway within any public right-of-way, easement, or private property designated for fire trucks and other firefighting or emergency vehicles and equipment to use, travel upon, and/or park.
- (d) “Cancelled tow” or “curb release” means the release of a vehicle after the tow operator has arrived at the scene of the vehicle to be towed and commenced preparations for towing.
- (e) “Rotational tow” means transportation of a vehicle by a commercial towing vehicle pursuant to contract or rotational tow program with the Department.
- (f) “Tow operator” or “towing operator” means any person or entity providing towing services.
- (g) “Towing” or “to tow” means to carry, draw, or pull along a vehicle by means of a commercial tow vehicle or car carrier.

Modified, 1 CMC § 3806(g).

History: Adopted 40 Com. Reg. 40564 (Feb. 28, 2018); Proposed 40 Com. Reg. 40517 (Jan. 28, 2018).

§ 72-10-405 Designation

The Commissioner shall require the establishment of a designated fire lane on public right-of-way for the orderly access of fire and other emergency vehicles and equipment to the premises. The Commissioner shall establish such fire lane by written order designating and describing such lane.

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History: Adopted 40 Com. Reg. 40564 (Feb. 28, 2018); Proposed 40 Com. Reg. 40517 (Jan. 28, 2018).

§ 72-10-410 Fire Lane Markings, Signs, and Maintenance

- (a) All designated fire lanes shall be clearly marked in one of the following manners:
- (1) Vertical curbs shall be painted red on the top and side, extending the length of the designated fire lane. The pavement adjacent to the painted curbs shall be marked with block lettering a minimum of five inches in height and with a three inch brush stroke reading: “No Parking – Fire Lane.” Lettering shall be white and spaced at no more than 20-foot intervals.
 - (2) Rolled curbs or surface without curbs shall have a red six-inch-wide stripe painted extending the length of the designated fire lane. The surface adjacent to the strip shall be marked with block lettering a minimum of six inches in height and with a minimum three inch brush stroke reading: “No Parking – Fire Lane.” Lettering shall be in yellow and spaced at no more than 20-foot intervals.
 - (3) Fire lane signs shall be as follows:
 - (i) Reflective in nature.
 - (ii) Use red letters on white background.
 - (iii) Use three inch lettering, to read “No Parking – Fire Lane.”
 - (iv) A minimum of 12 inches wide by 18 inches in height.
 - (v) Spaced no more than 50 feet apart and posted on or immediately next to the curb or side of the road.
 - (vi) Top of the sign to be not less than four feet nor more than six feet from the ground.
 - (vii) Signs may be placed on a building when approved by the Commissioner.
 - (viii) When posts are required for signs, they shall be a minimum of two inch galvanized steel or four inch by four inch pressure treated wood.
 - (ix) Signs are to be placed so they face the direction of vehicular travel.
- (b) At each entrance to property where fire lanes have been designated or at regular intervals in areas that do not have an entrance proper, signs shall be posted as set forth in this Part, in a clear, conspicuous location and shall clearly state “Vehicles parked in Fire Lanes shall be towed and impounded.” They shall also state the name, telephone number, and address of the towing company or other entity where the vehicle may be redeemed.
- (c) The fire lane markings on public land shall be maintained by the Department, and as often as is deemed necessary to clearly identify the designated area as a fire lane. If there is no public property owner of a designated fire lane, the Commissioner shall maintain the designated fire lane using the funds from the Fire Lane Revolving Fund. The Commissioner shall notify in writing the property owner if the fire lane markings on private property need to be maintained.

Modified, 1 CMC § 3806(a), (g).

History: Adopted 40 Com. Reg. 40564 (Feb. 28, 2018); Proposed 40 Com. Reg. 40517 (Jan. 28, 2018).

§ 72-10-415 Enforcement

- (a) Citation
- (1) Any person who parks a vehicle in, allows the parking of a vehicle in, obstructs, or

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allows the obstruction of a designated fire lane, or who fails to mark or maintain the marking of a designated fire lane as prescribed in this Part, or* is guilty of an infraction.

(2) The maximum penalty for parking a vehicle in, allowing the parking of a vehicle in, obstructing, or allowing the obstruction of a designated fire lane, shall be not more than a fine of \$150 per offense. Each day or part of a day during which the unlawful act or violation occurs shall constitute a separate offense.

(3) The maximum penalty for failing to mark or maintain the marking of a designated fire lane shall be not more than a fine of \$150 per offense.

(b) Towing

(1) The obstruction of a designated fire lane by a parked vehicle or any other object is prohibited and shall constitute a traffic and fire hazard and is considered an immediate hazard to life and property.

(2) A police officer from the Department of Public Safety or a firefighter from the Department of Fire and EMS shall immediately remove, or cause the removal of, a vehicle in violation of any provision in this Part.

(3) A police officer or firefighter shall issue a citation to the registered owner of the vehicle for a violation of this article.

(4) The Department shall set fees for all towing services to include cancelled tows to be paid by the towed vehicles registered owner.

(5) The Department may have its own towing truck or may procure the services of a towing company with certain class of tow trucks with requirements on availability and access, liability, and insurance coverage. All contracted tow services shall be obtained through proper CNMI procurement process.

(c) Impoundment

(1) All vehicles towed under this authority shall be taken immediately to a designated impound facility. The Department may maintain its own impoundment facility or contract the services of a facility with consideration of appropriate security for the impounded vehicles, availability and access, liability and insurance. The Department shall set a daily impound fee for each vehicle stored in the designated impound lot. All contracted facilities shall be obtained through proper CNMI procurement process.

(2) When a towed vehicle arrives at the impoundment lot, the first day storage will begin. Charges for two days storage cannot occur unless the car is held over 8 hours. (For instance, if a car comes in on the 1st at 11pm and is picked up at 5am on the 2nd that is one day storage. If the car comes in at 11pm on the 1st and is picked up at 9am on the 2nd, this would be two day storage fees.)

(d) Release from Impoundment

(1) The registered owner or his/her representative shall contact the Department within regular business hours to arrange for the release of their impounded vehicle.

(2) The Department shall assess the registered owner or his/her representative with the total cost of all the fines and fees related in citing, towing, and impounding the vehicle. All associated fines and fees must be paid to the CNMI Treasury before the vehicle is released to the owner.

(3) The associated fines and fees shall be calculated on the citation and the owner or representative will be directed to make payment to the CNMI Treasury. A copy of the CNMI

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treasury receipt shall be provided to the Department on the same day. Each delay in days will be re-calculated based on the daily impoundment/storage fee.

(4) Once payment has been verified, a release slip shall be issued to the owner and or representative who will present it to the impound lot. The Department shall contact the impound lot and advise and confirm of payment and to release the vehicle. This transaction and release of impounded vehicles shall only be done during regular business hours. All transactions related to the release of vehicles after regular business hours will require additional costs to include overtime rate for Department personnel and the impound facility. Such additional charges will be paid by the registered owner or representative before such release is made.

(e) Notification of Impoundment to Registered Owner. When the owner of a vehicle does not release their vehicle within five business days, the Department shall make reasonable efforts to contact the owner and inform them of the need to release their vehicle. The registered owner is given up to 15 days to effectuate a release. Additional days may be made if the owner is off island and the Department receives an official request via written letter, email, or fax. All additional storage days shall be assessed and charged to the registered owner before the vehicle is released. All costs shall be paid to the CNMI Treasury.

(f) Notification of Impoundment to Lien Holder. If the registered owner of the vehicle fails to make the effort to release their vehicle from the impound lot and the Department has made reasonable effort to reach the owner then the Department shall notify the lien holder of the impoundment and the procedures to release the vehicle. The lien holder has 10 business days from notice of the impoundment to effectuate a release of the vehicle from the impound lot. The total cost associated to release the vehicle to include citation, towing, impoundment, and administrative cost related in reaching the lien holder shall be assessed to the lien holder before the vehicle is released. All costs shall be paid to the CNMI Treasury.

(g) Auction if not Released

(1) If the vehicle's lien holder fails to release the vehicle within 30 days from the impound lot then the Department shall auction the vehicle to pay for the cost of the citation, towing, impoundment, storage, and administrative cost associated in releasing the vehicle.

(2) The Department will coordinate with the Division of Procurement and Supply of the Department of Finance to initiate, conduct, and finalize the auction and payment to the CNMI.

* So in original.

Modified, 1 CMC § 3806(a), (g).

History: Adopted 40 Com. Reg. 40564 (Feb. 28, 2018); Proposed 40 Com. Reg. 40517 (Jan. 28, 2018).

§ 72-10-420 Fire Lane Revolving Fund

(a) The fines and fees collected pursuant to this Part and any regulations promulgated by the Commissioner shall be deposited in the Fire Lane Revolving Fund.

(b) The funds shall be used for the purpose of:

(1) establishing and maintaining fire lanes;

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- (2) enforcement of PL 19-69 and all DFEMS operations; and
 - (3) training for the Department of Fire and Emergency Medical Services.
- (c) The Commissioner shall be the expenditure authority of the Fire Lane Revolving Fund.

Modified, 1 CMC § 3806(a), (g).

History: Adopted 40 Com. Reg. 40564 (Feb. 28, 2018); Proposed 40 Com. Reg. 40517 (Jan. 28, 2018).

§ 72-10-425 Fines and Fees

<u>Activity</u>	<u>Cost</u>
Towing under 11,000 lbs.	\$ 220.00
Towing over 11,000 lbs.	\$ 350.00
Cancelled Tow	\$ 180.00
Standby on scene under 11,000 lbs. per hour	\$ 60.00
Standby on scene over 11,000 lbs. per hour	\$ 120.00
Daily Storage Rate	\$ 20.00
Hourly Rate for Firefighter	\$ 35.00

Modified, 1 CMC § 3806(g).

History: Adopted 40 Com. Reg. 40564 (Feb. 28, 2018); Proposed 40 Com. Reg. 40517 (Jan. 28, 2018).

Part 500 - [Reserved]

Commission Comment: The 2014 amendments repealed former sections 150-40.1-501 through 150-40.1-515.

Part 600 - Permits and Fines

§ 72-10-601 General

(a) It shall be unlawful to manufacture, store, handle, use, sell or transport a hazardous material or combustible material, or to conduct an operation or to maintain a facility for which a permit is required pursuant to the provisions of the Fire Code Regulations without such permit. Permits required by this code shall be obtained from the Director of the Fire Prevention and Arson Investigation Unit. Permit and other applicable fees shall be paid prior to issuance of the permit. Issued permits shall be kept on the premises designated therein at all times and shall be readily available for inspection by any representative of the unit. The Fire Prevention and Arson Investigation Unit will conduct an inspection before issuing a permit.

(b) Any permit which purports to sanction a violation of the Fire Code Regulations or the Fire Code Safety Act of 1998 will be voidable.

(c) Inspection fees are as follows:

Group/Occupancy

Inspection

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	1st	2nd	3rd	4th
A-1: Fixed seating for production and viewing of performing arts and motion pictures.	\$150.00	\$50.00	\$75.00	\$100.00
• Motion picture theaters	per 3,000			
• Symphony and concert halls	ft ²			
• Television and radio studios admitting an audience				
• Theaters				
A-2: Areas intended for food and/or drink consumption.	\$150.00	\$50.00	\$75.00	\$100.00
• Banquet halls	per 3,000			
• Casinos (gaming areas)	ft ²			
• Night clubs				
• Restaurants, cafeterias, and similar dining facilities (including associated commercial kitchens)				
• Taverns and bars				
A-3: Areas intended for worship, recreation, or amusement and other assembly uses.	\$150.00	\$50.00	\$75.00	\$100.00
• Amusement arcades	per 3,000			
• Art galleries	ft ²			
• Bowling alleys				
• Community halls				
• Courtrooms				
• Dance halls (not including food or drink consumption)				
• Exhibition halls				
• Funeral parlors				
• Gymnasiums (without spectator seating)				
• Indoor swimming pools (without spectator seating)				
• Indoor tennis courts (without spectator seating)				
• Lecture halls				
• Libraries				
• Museums				
• Places of religious worship				
• Pool and billiard parlors				
• Waiting areas in transportation terminals				
A-4: Areas intended for viewing of indoor sporting events and activities with spectator seating.	\$150.00	\$50.00	\$75.00	\$100.00
• Arenas	per 3,000			
• Skating rinks	ft ²			
• Swimming pools				
• Tennis courts				
A-5: Areas intended for participation in or viewing outdoor activities.	\$150.00	\$50.00	\$75.00	\$100.00
• Amusement park structures	per 3,000			
• Bleachers	ft ²			
• Grandstands				

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• Stadiums				
B: Use of a building or structure, or a portion thereof, for office, professional, or service type transactions, including storage of records and accounts.	\$150.00	\$50.00	\$75.00	\$100.00
	per 3,000			
	ft ²			
• Airport traffic control towers				
• Ambulatory care facilities				
• Animal hospitals, kennels, and pounds				
• Banks				
• Barber and beauty shops				
• Car wash				
• Civic administration				
• Clinic-outpatient				
• Dry cleaning and laundries: pick-up and delivery stations and self-service				
• Educational occupancies for students above the 12th grade				
• Electronic data processing				
• Laboratories: testing and research				
• Motor vehicle showrooms				
• Post offices				
• Print shops				
• Professional services (architects, attorneys, dentists, physicians, engineers, etc.)				
• Radio and television stations				
• Telephone exchanges				
• Training and skill development not within a school or academic program				
E: The use of a building or structure, or a portion thereof, by six or more persons at any one time for educational purposes thru the 12th grade.	\$150.00	\$50.00	\$75.00	\$100.00
	per 3,000			
	ft ²			
E-Day Care Facilities: This group includes buildings and structures or portions thereof occupied by more than five children older than 2½ years of age who receive educational, supervision, or personal care services for less than 24 hours per day.	\$150.00	\$50.00	\$75.00	\$100.00
F: Includes among others, the use of a building or structure, or a portion thereof, for assembling, disassembling, fabricating, finishing, manufacturing, packaging, repair, or processing operations that are not classified as Group H-High hazard or Group S-Storage occupancy.	\$150.00	\$50.00	\$75.00	\$100.00
	per 3,000			
	ft ²			
H-High Hazard: Includes among others, the use of a structure of building, or a portion thereof, that involves the processing, manufacturing, generation, or storage of materials that constitute a physical or health hazard.	\$250.00	\$100.00	\$150.00	\$200.00
	per 3,000			
	ft ²			

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<p>I-1: Occupancy includes among other things, the use of a building or structure, or a portion thereof, in which care or supervision is provided to persons who are or are not capable of self-preservation without physical assistance or in which persons are detained for penal or correctional purposes or in which the liberty of the occupant is restricted.</p>	<p>\$150.00 per 3,000 ft²</p>	<p>\$50.00</p>	<p>\$75.00</p>	<p>\$100.00</p>
<p>I-2: Buildings and structures used for medical care on a 24-hour basis for more than five persons who are not capable of self-preservation.</p>	<p>\$150.00 per 3,000 ft²</p>	<p>\$50.00</p>	<p>\$50.00</p>	<p>\$100.00</p>
<ul style="list-style-type: none"> • Foster care facilities • Detoxification facilities • Hospitals • Nursing homes • Psychiatric hospitals 				
<p>I-3: This occupancy shall include buildings and structures which are inhabited by more than 5 persons who are under restraint or security.</p>	<p>\$150.00 per 3,000 ft²</p>	<p>\$50.00</p>	<p>\$75.00</p>	<p>\$100.00</p>
<ul style="list-style-type: none"> • Correctional centers • Detention centers • Jails • Prerelease centers • Prisons • Reformatories 				
<p>I-4 Day Care Facilities: This group shall include buildings and structures occupied by more than five persons of any age who receive custodial care for less than 24 hours by persons other than parents or guardians, relatives by blood, marriage, or adoption, and in a place other than the home of the person cared for.</p>	<p>\$150.00</p>	<p>\$50.00</p>	<p>\$75.00</p>	<p>\$100.00</p>
<p>M: This occupancy includes among other things, buildings or structures or a portion thereof, for the display and sale of merchandise, and involves stocks of goods, wares, or merchandise incidental to such purposes and accessible to the public.</p>	<p>\$150.00 per 3,000 ft²</p>	<p>\$50.00</p>	<p>\$75.00</p>	<p>\$100.00</p>
<ul style="list-style-type: none"> • Department stores • Drug stores • Markets • Motor fuel-dispensing facilities* • Retail or wholesale stores • Sales rooms 	<p>* these facilities may be associated with Group H or Group S-Moderate Hazard Storage and</p>			

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	applicable fees may be applied			
R-1: Residential occupancies containing sleeping units where the occupants are primarily transient in nature.	\$150.00	\$50.00	\$75.00	\$100.00
<ul style="list-style-type: none"> • Boarding houses (transient) with more than 10 occupants • Congregate living facilities (transient) with more than 10 occupants • Hotels (transient) • Motels (transient) 	per 3,000 ft ² up to 3-stories and \$150.00 per 3,000 ft ² for every 3- stories thereafter			
R-2: Residential occupancies containing sleeping units or more than two dwelling units where the occupants are primarily permanent in nature.	\$150.00	\$50.00	\$75.00	\$100.00
<ul style="list-style-type: none"> • Apartment houses • Boarding houses (non-transient) with more than 16 occupants • Congregate living facilities (non-transient) with more than 16 occupants • Convents • Dormitories • Fraternities and sororities • Hotels (non-transient) • Live/work units • Monasteries • Motels (non-transient) • Vacation timeshare properties 	per 3,000 ft ² up to 3-stories and \$150.00 per 3,000 ft ² for every 3- stories thereafter			
R-3: Residential occupancies where the occupants are primarily permanent in nature.	\$150.00	\$50.00	\$75.00	\$100.00
	per 3,000 ft ²			
R-4: This occupancy shall include buildings or portions thereof for more than five persons but not more than 16 persons, excluding staff, who reside on a 24-hour basis in a supervised residential environment and receive custodial care. The people receiving care are capable of self-preservation.	\$150.00	\$50.00	\$75.00	\$100.00
	per 3,000 ft ²			
S-1: Moderate hazard storage	\$250.00	\$100.00	\$150.00	\$200.00
S-2: Low hazard storage	\$150.00	\$50.00	\$75.00	\$100.00
U: Miscellaneous buildings and structures of an accessory character and miscellaneous structures not classified in any specific occupancy shall be constructed, equipped, and maintained to conform to	\$75.00	\$25.00	\$50.00	\$75.00

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the requirements of this code commensurate with the fire and life hazard incidental to their occupancy.

Other Permits:	N/A	N/A	N/A
1. Open-Burning	1. \$10		
2. Class "B" Fireworks display (requires approval from the Governor)	2. \$1000		
3. Class "C" Fireworks (wholesale/storage)	3. \$750		
4. Class "C" (display)	4. \$500		
5. Class "C" (retail)	5. \$250		

(d) The following acts are prohibited and are punishable by the following fines:

IFC	GENERAL OFFENSES	FINE
100.1	Noncompliance to Permits, Orders, or Notices	\$500.00
100.2	Failure to comply with nationally recognized standards	\$500.00
100.3	Removal and Destruction of Tags and Signs	\$500.00

(e) In addition to any other fines provided for by statute or by regulation, the failure to obtain a permit required by law or comply with the following sections of the International Fire Code is punishable by the following fines:

IFC	SPECIFIC OFFENSES	FINE
303	Asphalt Kettles	\$500.00
304	Combustible Waste Material	\$1,000.00
305	Ignition Sources	\$1,000.00
306	Motion Picture Projection Room and Film	\$1,000.00
307	Open Burning, Recreational Fires, and Portable Outdoor Fireplaces	\$500.00
308	Open Flames	\$500.00
309	Powered Industrial Trucks and Equipment	\$1,000.00
310	Smoking	\$250.00
311	Vacant Premises	\$250.00
312	Vehicle Impact Protection	\$250.00
313	Fueled Equipment	\$1,000.00
314	Indoor Displays	\$1,000.00
315	General Storage	\$1,000.00
316	Hazards to Fire Fighters	\$5,000.00
317	Rooftop Gardens and Landscaped Roofs	\$500.00
318	Laundry Carts	\$250.00
401	Emergency Planning and Preparedness	\$500.00
403	Public Assemblages and Events	\$250.00
404	Fire Safety and Evacuation Plans	\$250.00
405	Emergency Evacuation Drills	\$1,000.00
406	Employee Training and Response Procedures	\$1,000.00
407	Hazard Communication	\$500.00
408	Use and Occupancy Related Requirements	\$250.00
501	Fire Service Features	\$150.00
503	Fire Apparatus Access Roads	\$500.00
504	Access to Building Openings and Roofs	\$1,000.00

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505	Premises Identification	\$50.00
506	Key Boxes	\$100.00
507	Fire Protection Water Supplies	\$2,000.00
508	Fire Command Center	\$1,000.00
509	Fire Protection and Utility Equipment Identification and Access	\$1,000.00
510	Emergency Responder Radio Coverage	\$250.00
603	Fuel – Fired Appliances	\$1,000.00
604	Emergency and Standby Powers	\$1,000.00
605	Electrical Equipment, Wiring, and Hazards	\$1,000.00
606	Mechanical Refrigeration	\$1,000.00
607	Elevator Operations, Maintenance, and Fire Service Keys	\$1,000.00
608	Stationary Storage Battery Systems	\$5,000.00
609	Commercial Kitchen Hoods	\$5,000.00
610	Commercial Kitchen Cooking Oil Storage	\$3,000.00
703	Fire Resistance Rated Construction	\$10,000.00
704	Floor Openings and Shafts	\$2,000.00
803	Interior Wall and Ceiling Finish and Trim in Existing Buildings	\$10,000.00
804	Interior Wall and Ceiling Finish and Trim in New and Existing Buildings	\$10,000.00
805	Upholstered Furniture and Mattresses in New and Existing Buildings	\$10,000.00
806	Decorative Vegetation in New and Existing Buildings	\$5,000.00
807	Decorative Materials other than Decorative Vegetation in New and Existing Buildings	\$5,000.00
808	Furnishings other than Upholstered Furniture and Mattresses or Decorative Materials in New and Existing Buildings	\$5,000.00
901	Fire Protection Systems	\$1,000.00
903	Automatic Sprinkler Systems	\$10,000.00
904	Alternative Automatic Fire-Extinguishing Systems	\$5,000.00
905	Standpipe Systems	\$5,000.00
906	Portable Fire Extinguishers	\$500.00
907	Fire Alarm and Detection Systems	\$10,000.00
908	Emergency Alarm Systems	\$10,000.00
909	Smoke Control Systems	\$5,000.00
910	Smoke and Heat Removal	\$5,000.00
911	Explosion Control	\$20,000.00
912	Fire Department Connections	\$5,000.00
913	Fire Pumps	\$5,000.00
914	Fire Protection Based on Special Detailed Requirements of Use and Occupancy	\$10,000.00
1003	General Means of Egress	\$1,000.00
1004	Occupant Load	\$1,000.00
1005	Means of Egress Sizing	\$1,000.00
1006	Means of Egress Illumination	\$1,000.00
1007	Accessible Means of Egress	\$1,000.00
1008	Doors Gates and Turnstiles	\$1,000.00
1009	Stairways	\$1,000.00

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1010	Ramps	\$1,000.00
1011	Exit Signs	\$1,000.00
1012	Handrails	\$1,000.00
1013	Guards	\$1,000.00
1014	Exit Access	\$1,000.00
1015	Exit and Exit Access Doorways	\$1,000.00
1016	Exit Access Travel Distance	\$1,000.00
1017	Aisles	\$1,000.00
1018	Corridors	\$1,000.00
1019	Egress Balconies	\$1,000.00
1020	Exits	\$1,000.00
1021	Number of Exits and Exit	\$1,000.00
1022	Interior Exit Stairway	\$1,000.00
1023	Exit Passageways	\$1,000.00
1024	Luminous Egress Path Markings	\$1,000.00
1025	Horizontal Exits	\$1,000.00
1026	Exterior Exit Stairways and Ramps	\$1,000.00
1027	Exit Discharge	\$1,000.00
1028	Assembly	\$1,000.00
1029	Emergency Escape and Rescue	\$1,000.00
1030	Maintenance of the Means of Egress	\$1,000.00
1101	Construction Requirements for Existing Buildings	\$500.00
1103	Fire Safety Requirements for Existing Buildings	\$1,000.00
1104	Means of Egress for Existing Buildings	\$1,000.00
1105	Requirements for Outdoor Operations	\$1,000.00
2001	Aviation Facilities	\$2,000.00
2003	General Precautions for Aviation Facilities	\$1,000.00
2004	Aircraft Maintenance	\$2,000.00
2005	Portable Fire Extinguishers for Aviation Facilities	\$1,000.00
2006	Aircraft Fueling	\$1,000.00
2007	Helistops and Heliports	\$2,000.00
2101	Dry Cleaning	\$1,000.00
2103	Dry Cleaning Solvent Classification	\$1,000.00
2104	Dry Cleaning General Requirements	\$1,000.00
2105	Operational Requirements	\$1,000.00
2106	Spotting and Pretreating	\$1,000.00
2107	Dry Cleaning Systems	\$1,000.00
2108	Dry Cleaning Fire Protection	\$10,000.00
2201	Combustible Dust-Producing Operations	\$1,000.00
2203	Combustible Dust-Producing Operations Precautions	\$1,000.00
2204	Combustible Dust-Producing Operations Explosions	\$10,000.00
2301	Motor Fuel-Dispensing Facilities and Repair Garages	\$1,000.00
2303	Location of Dispensing Devices	\$2,000.00
2304	Dispensing Operations	\$2,000.00
2305	Operational Requirements	\$5,000.00
2306	Flammable and Combustible Liquid Motor Fuel-Dispensing Facilities	\$10,000.00

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2307	Liquefied Petroleum Gas Motor Fuel-Dispensing Facilities	\$10,000.00
2308	Compressed Natural Gas Motor Fuel-Dispensing Facilities	\$10,000.00
2309	Hydrogen Motor Fuel-Dispensing and Generation Facilities	\$10,000.00
2310	Marine Motor Fuel Dispensing Facilities	\$10,000.00
2311	Repair Garages	\$10,000.00
2401	Flammable Finishes	\$5,000.00
2403	Protection of Operations	\$10,000.00
2404	Spray Finishing	\$5,000.00
2505	Dipping Operations	\$10,000.00
2406	Powder Coating	\$10,000.00
2407	Electrostatic Apparatus	\$2,000.00
2408	Organic Peroxide and Dual-Component Coatings	\$10,000.00
2409	Indoor Manufacturing of Reinforced Plastics	\$10,000.00
2410	Floor Surfacing and Finishing Operations	\$500.00
2501	Fruit and Crop Ripening	\$500.00
2503	Fruit and Crop Ripening Ethylene Gas	\$1,000.00
2504	Fruit and Crop Ripening Sources of Ignition	\$1,000.00
2505	Fruit and Crop Ripening Combustible Waste	\$1,000.00
2506	Fruit and Crop Ripening Ethylene Generators	\$1,000.00
2507	Fruit and Crop Ripening Warning Signs	\$1,000.00
2601	Fumigation and Insecticidal Fogging	\$1,000.00
2603	Fumigation and Insecticidal Fogging Fire Safety Requirements	\$1,000.00
2701	Semiconductor Fabrication Facilities	\$1,000.00
2703	Semiconductor Fabrication Facilities General Safety Provisions	\$1,000.00
2704	Semiconductor Fabrication Facilities Storage	\$1,000.00
2705	Semiconductor Fabrication Facilities Use and Handling	\$1,000.00
2801	Lumber Yards and Wood Working Facilities	\$1,000.00
2803	Lumber Yards and Wood Working Facilities General Requirements	\$1,000.00
2804	Lumber Yards and Wood Working Facilities Fire Protection	\$1,000.00
2805	Lumber Yards and Wood Working Facilities Plywood, Veneer, and Composite Board Mills	\$1,000.00
2806	Lumber Yards and Wood Working Facilities Log Storage Areas	\$1,000.00
2807	Lumber Yards and Wood Working Facilities Storage of Wood Chips and Hogged Material Associated with Timber and Lumber Production Facilities	\$1,000.00
2808	Lumber Yards and Wood Working Facilities Storage and Processing of Wood Chips, Hogged Material, Fines, Compost, and Raw Product Associated with Yard Waste and Recycling Facilities	\$1,000.00
2809	Lumber Yards and Wood Working Facilities Exterior Storage of Finished Lumber Products	\$1,000.00
2901	Manufacture of Organic Coatings	\$1,000.00
2903	Manufacture of Organic Coatings General Precautions	\$1,000.00
2904	Manufacture of Organic Coatings Electrical Equipment and Protection	\$1,000.00
2905	Manufacture of Organic Coatings Process Structures	\$1,000.00
2906	Manufacture of Organic Coatings Process Mills and Kettles	\$1,000.00
2907	Manufacture of Organic Coatings Process Piping	\$1,000.00

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2908	Manufacture of Organic Coatings Raw Materials in Process Areas	\$1,000.00
2909	Manufacture of Organic Coatings Raw Materials and Finished Products	\$1,000.00
3001	Industrial Ovens	\$1,000.00
3003	Industrial Ovens Location	\$1,000.00
3004	Industrial Ovens Fuel Piping	\$1,000.00
3005	Industrial Ovens Interlocks	\$1,000.00
3006	Industrial Ovens Fire Protection	\$1,000.00
3007	Industrial Ovens Operation and Maintenance	\$1,000.00
3101	Tents and Other Membrane Structures	\$1,000.00
3103	Tents and Other Membrane Structures Temporary	\$1,000.00
3104	Tents and Other Membrane Structures Temporary and Permanent	\$1,000.00
3201	High-Piled Combustible Storage	\$2,000.00
3203	High-Piled Combustible Storage Commodity Classification	\$500.00
3204	High-Piled Combustible Storage Designation of High-Piled Storage Areas	\$2,000.00
3205	High-Piled Combustible Storage Housekeeping and Maintenance	\$2,000.00
3206	High-Piled Combustible Storage General Fire Protection and Life Safety features	\$2,000.00
3207	High-Piled Combustible Storage Solid-Piled and Shelf Storage	\$2,000.00
3208	High-Piled Combustible Storage Rack Storage	\$2,000.00
3209	High-Piled Combustible Storage Automated Storage	\$2,000.00
3210	High-Piled Combustible Storage Specialty Storage	\$2,000.00
3303	Fire Safety During Construction and Demolition Temporary Heating Equipment	\$2,000.00
3304	Fire Safety During Construction and Demolition Precautions and Fire	\$2,000.00
3305	Fire Safety During Construction and Demolition Flammable and Combustible Liquids	\$2,000.00
3306	Fire Safety During Construction and Demolition Flammable Gases	\$2,000.00
3307	Fire Safety During Construction and Demolition Explosive Materials	\$10,000.00
3308	Fire Safety During Construction and Demolition Owner's Responsibility for Fire Protection	\$2,000.00
3309	Fire Safety During Construction and Demolition Fire Reporting	\$2,000.00
3310	Fire Safety During Construction and Demolition Access for Fire Fighting	\$2,000.00
3311	Fire Safety During Construction and Demolition Means of Egress	\$2,000.00
3312	Fire Safety During Construction and Demolition Water Supply for Fire Protection	\$2,000.00
3313	Fire Safety During Construction and Demolition Standpipes	\$2,000.00
3314	Fire Safety During Construction and Demolition Automatic Sprinkler System	\$2,000.00
3315	Fire Safety During Construction and Demolition Portable Fire Extinguishers	\$2,000.00
3316	Fire Safety During Construction and Demolition Motorized Construction Equipment	\$2,000.00
3317	Fire Safety During Construction and Demolition Safeguarding	\$2,000.00

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	Roofing Operation	
3401	Tire Rebuilding and Tire Storage	\$2,000.00
3403	Tire Rebuilding	\$2,000.00
3404	Tire Rebuilding and Tire Storage Precautions Against Fire	\$2,000.00
3405	Tire Rebuilding and Tire Storage Outdoor Storage	\$2,000.00
3406	Tire Rebuilding and Tire Storage Fire Department Access	\$2,000.00
3407	Tire Rebuilding and Tire Storage Fencing	\$2,000.00
3408	Tire Rebuilding and Tire Storage Fire Protection	\$2,000.00
3409	Tire Rebuilding and Tire Storage Indoor Storage Arrangement	\$2,000.00
3501	Welding and Other Hot Work	\$5,000.00
3503	Welding and Other Hot Work General Requirements	\$2,000.00
3504	Welding and Other Hot Work Fire Safety Requirements	\$5,000.00
3505	Welding and Other Hot Work Gas Welding and Cutting	\$5,000.00
3506	Welding and Other Hot Work Electric Arc Hot Work	\$5,000.00
3507	Welding and Other Hot Work Calcium Carbide Systems	\$5,000.00
3508	Welding and Other Hot Work Acetylene Generators	\$5,000.00
3509	Welding and Other Hot Work Piping Manifolds and Hose Systems for Fuel Gases and Systems	\$5,000.00
3601	Marinas	\$2,000.00
3603	Marinas General Precautions	\$2,000.00
3604	Marinas Fire Protection Equipment	\$2,000.00
3605	Marinas Marine Motor Fuel-Dispensing Facilities	\$5,000.00
5001	Hazardous Materials General-Provisions	\$5,000.00
5003	Hazardous Materials General-Provisions General Requirements	\$5,000.00
5004	Hazardous Materials General-Provisions Storage	\$5,000.00
5005	Hazardous Materials General-Provisions Use, Dispensing, and Handling	\$5,000.00
5101	Aerosols	\$5,000.00
5103	Aerosols Classification of Aerosol Products	\$5,000.00
5104	Aerosols Inside Storage of Aerosol Products	\$5,000.00
5105	Aerosols Outside Storage	\$5,000.00
5106	Aerosols Retail Display	\$5,000.00
5107	Aerosols Manufacturing Facilities	\$5,000.00
5201	Combustible Fibers	\$3,000.00
5203	Combustible Fibers General Precautions	\$3,000.00
5204	Combustible Fibers Loose Fiber Storage	\$3,000.00
5205	Combustible Fibers Baled Storage	\$3,000.00
5301	Compressed Gases	\$5,000.00
5303	Compressed Gases General Requirements	\$5,000.00
5304	Compressed Gases Storage of Compressed Gases	\$5,000.00
5305	Compressed Gases Use and Handling	\$5,000.00
5306	Compressed Gases, Medical Gas Systems	\$5,000.00
5307	Compressed Gases not Otherwise Regulated	\$5,000.00
5401	Corrosive Materials	\$2,000.00
5403	Corrosive Materials General Requirements	\$2,000.00
5404	Corrosive Materials Storage	\$2,000.00

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5405	Corrosive Materials Use	\$2,000.00
5501	Cryogenic Fluids	\$2,000.00
5503	Cryogenic Fluids General Requirements	\$2,000.00
5504	Cryogenic Fluids	\$2,000.00
5505	Cryogenic Fluids Use and Handling	\$2,000.00
5601	Explosives and Fireworks	\$5,000.00
5603	Explosives and Fireworks Record Keeping	\$1,000.00
5604	Explosives and Fireworks Explosive Material Storage and Handling	\$10,000.00
5605	Explosives and Fireworks Manufacture, Assembly, and Testing of Explosive Materials and Fire Works	\$10,000.00
5606	Explosives and Fireworks Small Arms Ammunition and Small Arms Ammunition Components	\$5,000.00
5607	Explosives and Fireworks Blasting	\$10,000.00
5608	Explosives and Fireworks Fireworks Display	\$5,000.00
5609	Explosives and Fireworks Temporary Storage of Consumer Fireworks	\$2,000.00
5701	Flammable and Combustible Liquids	\$5,000.00
5703	Flammable and Combustible Liquids General Requirements	\$5,000.00
5704	Flammable and Combustible Liquids Storage	\$5,000.00
5705	Flammable and Combustible Liquids Dispensing, Use, Mixing, and Handling	\$5,000.00
5706	Flammable and Combustible Liquids Special Operations	\$5,000.00
5801	Flammable Gases and Flammable Cryogenic	\$5,000.00
5803	Flammable Gases and Flammable Cryogenic General Requirements	\$5,000.00
5804	Flammable Gases and Flammable Cryogenic Storage	\$5,000.00
5805	Flammable Gases and Flammable Cryogenic Use	\$5,000.00
5806	Flammable Gases and Flammable Cryogenic Flammable Cryogenic Fluids	\$5,000.00
5807	Flammable Gases and Flammable Cryogenic Metal Hydride Storage Systems	\$5,000.00
5901	Flammable Solids	\$5,000.00
5903	Flammable Solids General Requirements	\$5,000.00
5904	Flammable Solids Storage	\$5,000.00
5905	Flammable Solids Use	\$5,000.00
5906	Flammable Solids Magnesium	\$5,000.00
6001	Highly Toxic and Toxic Materials	\$10,000.00
6003	Highly Toxic and Toxic Materials Highly Toxic and Toxic Solids and Liquids	\$10,000.00
6004	Highly Toxic and Toxic Materials Highly Toxic and Toxic Compressed Gases	\$10,000.00
6005	Highly Toxic and Toxic Materials Ozone Gas Generators	\$10,000.00
6101	Liquefied Petroleum Gases	\$1,000.00
6103	Liquefied Petroleum Gases Installation of Equipment	\$5,000.00
6104	Liquefied Petroleum Gases Location of LP Gas Containers	\$5,000.00
6105	Liquefied Petroleum Gases Prohibited Use of LP Gas	\$5,000.00
6106	Liquefied Petroleum Gases Dispensing and Overfilling	\$5,000.00
6107	Liquefied Petroleum Gases Safety Precautions and Devices	\$5,000.00

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6108	Liquefied Petroleum Gases Fire Protection	\$5,000.00
6109	Liquefied Petroleum Gases Storage of LP Gas Containers Awaiting Use or Resale	\$5,000.00
6110	Liquefied Petroleum Gases LP Gas Containers not in Service	\$5,000.00
6111	Liquefied Petroleum Gases Parking and Garaging of LP-Gas Tank Vehicles	\$5,000.00
6201	Organic Peroxides	\$5,000.00
6203	Organic Peroxides General Requirements	\$2,000.00
6204	Organic Peroxides Storage	\$2,000.00
6205	Organic Peroxides Use	\$2,000.00
6301	Oxidizers, Oxidizing Gases, and Oxidizing Cryogenic Fluids	\$2,000.00
6303	Oxidizers, Oxidizing Gases, and Oxidizing Cryogenic Fluids General Requirements	\$2,000.00
6304	Oxidizers, Oxidizing Gases, and Oxidizing Cryogenic Fluids Storage	\$2,000.00
6305	Oxidizers, Oxidizing Gases, and Oxidizing Cryogenic Fluids Use	\$2,000.00
6306	Oxidizers, Oxidizing Gases, and Oxidizing Cryogenic Fluids Liquid Oxygen in Home Health	\$2,000.00
6401	Pyrophoric Materials	\$2,000.00
6403	Pyrophoric Materials General Requirements	\$2,000.00
6404	Pyrophoric Materials Storage	\$2,000.00
6405	Pyrophoric Materials Use	\$2,000.00
6501	Pyroxylin (Cellulose Nitrate) Plastics	\$2,000.00
6503	Pyroxylin (Cellulose Nitrate) Plastics General Requirements	\$2,000.00
6504	Pyroxylin (Cellulose Nitrate) Plastics Storage and Handling	\$2,000.00
6601	Unstable (Reactive) Material	\$2,000.00
6603	Unstable (Reactive) Material General Requirements	\$2,000.00
6604	Unstable (Reactive) Material Storage	\$2,000.00
6605	Unstable (Reactive) Material Use	\$2,000.00
6701	Water-Reactive Solids and Liquids	\$2,000.00
6703	Water-Reactive Solids and Liquids General Requirements	\$2,000.00
6704	Water-Reactive Solids and Liquids Storage	\$2,000.00
6705	Water-Reactive Solids and Liquids Use	\$2,000.00

History: Amdts Adopted 36 Com. Reg. 35612 (Oct. 28, 2014); Amdts Proposed 36 Com. Reg. 35411 (Aug. 28, 2014); Amdts Adopted 27 Com. Reg. 25146 (Oct. 24, 2005); Amdts Proposed 27 Com. Reg. 24913 (Sept. 22, 2005); Adopted 24 Com. Reg. 19116 (Apr. 29, 2002); Proposed 23 Com. Reg. 18610 (Nov. 23, 2001).

Commission Comment: The Commission corrected subsection designations pursuant to 1 CMC § 3806(a). The Commission corrected the capitalization of the words “unit” in subsection (a), “health hazard” in subsection (c), and “fire” in subsection (e) pursuant to 1 CMC § 3806(f). The Commission corrected the spelling of the words “pictures,” “buildings,” and “structures” in subsection (c) and “protection,” “precautions,” and “liquefied” in subsection (e) pursuant to 1 CMC § 3806(g). The Commission inserted a bullet before the phrases “taverns and bars” and “waiting areas in transportation terminals” in subsection (c) pursuant to 1 CMC § 3806(g). The Commission inserted commas after the words “cafeterias,” “recreation,” “professional,” “kennels,” “supervision,” “repair,” “generation,” “wares,” and “equipped” in subsection (c) and “fires,” “wiring,” “maintenance,” “vener,” “compost,” “dispensing,” “assembly,” “mixing,” and “gases” in subsection (e) pursuant to 1 CMC § 3806(g).

See the Chapter Comment regarding the reference to the Director.

Part 700 - [Reserved]

Commission Comment: The 2014 amendments repealed former sections 150-40.1-701 through 150-40.1-710.

Part 800 - Citation Process

§ 72-10-801 [Reserved]

[Reserved.]

History: Amdts Adopted 36 Com. Reg. 35612 (Oct. 28, 2014); Amdts Proposed 36 Com. Reg. 35411 (Aug. 28, 2014); Amdts Adopted 27 Com. Reg. 25146 (Oct. 24, 2005); Amdts Proposed 27 Com. Reg. 24913 (Sept. 22, 2005); Adopted 24 Com. Reg. 19116 (Apr. 29, 2002); Proposed 23 Com. Reg. 18610 (Nov. 23, 2001).

Commission Comment: This section was titled “Scope” before its repeal in 2014.

§ 72-10-805 [Reserved]

[Reserved.]

History: Amdts Adopted 36 Com. Reg. 35612 (Oct. 28, 2014); Amdts Proposed 36 Com. Reg. 35411 (Aug. 28, 2014); Amdts Adopted 27 Com. Reg. 25146 (Oct. 24, 2005); Amdts Proposed 27 Com. Reg. 24913 (Sept. 22, 2005); Adopted 24 Com. Reg. 19116 (Apr. 29, 2002); Proposed 23 Com. Reg. 18610 (Nov. 23, 2001).

Commission Comment: This section was titled “Purpose” before its repeal in 2014.

§ 72-10-810 [Reserved]

[Reserved.]

History: Amdts Adopted 36 Com. Reg. 35612 (Oct. 28, 2014); Amdts Proposed 36 Com. Reg. 35411 (Aug. 28, 2014); Amdts Adopted 27 Com. Reg. 25146 (Oct. 24, 2005); Amdts Proposed 27 Com. Reg. 24913 (Sept. 22, 2005); Adopted 24 Com. Reg. 19116 (Apr. 29, 2002); Proposed 23 Com. Reg. 18610 (Nov. 23, 2001).

Commission Comment: This section was titled “Administration and Enforcement” before its repeal in 2014.

§ 72-10-815 [Reserved]

[Reserved.]

History: Amdts Adopted 36 Com. Reg. 35612 (Oct. 28, 2014); Amdts Proposed 36 Com. Reg. 35411 (Aug. 28, 2014); Amdts Adopted 27 Com. Reg. 25146 (Oct. 24, 2005); Amdts Proposed 27 Com. Reg. 24913 (Sept. 22, 2005); Adopted 24 Com. Reg. 19116 (Apr. 29, 2002); Proposed 23 Com. Reg. 18610 (Nov. 23, 2001).

Commission Comment: This section was titled “Corrective Orders and Notices” before its repeal in 2014.

§ 72-10-820 [Reserved]

[Reserved.]

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History: Amdts Adopted 36 Com. Reg. 35612 (Oct. 28, 2014); Amdts Proposed 36 Com. Reg. 35411 (Aug. 28, 2014); Amdts Adopted 27 Com. Reg. 25146 (Oct. 24, 2005); Amdts Proposed 27 Com. Reg. 24913 (Sept. 22, 2005); Adopted 24 Com. Reg. 19116 (Apr. 29, 2002); Proposed 23 Com. Reg. 18610 (Nov. 23, 2001).

Commission Comment: This section was titled “Unsafe Heating or Electrical Equipment and Structural Hazards” before its repeal in 2014.

§ 72-10-825 Compliance with Orders and Notices

Orders and notices issued or served as provided by the Fire Code Regulations shall be complied with by the owner, operator, occupant, or any other person responsible for the condition or violation to which the order or notice pertains.

History: Amdts Adopted 36 Com. Reg. 35612 (Oct. 28, 2014); Amdts Proposed 36 Com. Reg. 35411 (Aug. 28, 2014); Amdts Adopted 27 Com. Reg. 25146 (Oct. 24, 2005); Amdts Proposed 27 Com. Reg. 24913 (Sept. 22, 2005); Adopted 24 Com. Reg. 19116 (Apr. 29, 2002); Proposed 23 Com. Reg. 18610 (Nov. 23, 2001).

Commission Comment: The 2014 amendments repealed former subsections (b) and (c).

§ 72-10-830 Compliance with Tags

A building, premises, or any establishment shall not be used when a tag or notice of closure has been affixed to it in accordance with the Fire Code Regulations.

History: Amdts Adopted 36 Com. Reg. 35612 (Oct. 28, 2014); Amdts Proposed 36 Com. Reg. 35411 (Aug. 28, 2014); Amdts Adopted 27 Com. Reg. 25146 (Oct. 24, 2005); Amdts Proposed 27 Com. Reg. 24913 (Sept. 22, 2005); Adopted 24 Com. Reg. 19116 (Apr. 29, 2002); Proposed 23 Com. Reg. 18610 (Nov. 23, 2001).

Commission Comment: The 2014 amendments repealed former subsection (b).

§ 72-10-835 Police Powers

(a) The Fire Director and members of the fire prevention shall have the powers of a police officer in performing their duties under the code in this subchapter.

(b) When requested to do so by the Director, the Chief of Police is authorized to assign such available police officers as necessary to assist the fire department in enforcing the provisions of this code.

Modified, 1 CMC § 3806(d), (f).

History: Amdts Adopted 36 Com. Reg. 35612 (Oct. 28, 2014); Amdts Proposed 36 Com. Reg. 35411 (Aug. 28, 2014); Amdts Adopted 27 Com. Reg. 25146 (Oct. 24, 2005); Amdts Proposed 27 Com. Reg. 24913 (Sept. 22, 2005); Adopted 24 Com. Reg. 19116 (Apr. 29, 2002); Proposed 23 Com. Reg. 18610 (Nov. 23, 2001).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) and (b).

See the Chapter Comment regarding the reference to the Fire Director.

§ 72-10-840 Authority to Inspect

The Fire Prevention and Arson Investigation Unit shall inspect, as often as necessary, buildings and premises, including such other hazards or appliances designated by the Director of Fire for the purpose of ascertaining and causing to be corrected any conditions which would reasonably tend to cause fire or contribute to its spread, or any violation of the purpose or provisions of the Fire Code Regulations or the Fire Code Safety Act of 1998.

History: Amdts Adopted 36 Com. Reg. 35612 (Oct. 28, 2014); Amdts Proposed 36 Com. Reg. 35411 (Aug. 28, 2014); Amdts Adopted 27 Com. Reg. 25146 (Oct. 24, 2005); Amdts Proposed 27 Com. Reg. 24913 (Sept. 22, 2005); Adopted 24 Com. Reg. 19116 (Apr. 29, 2002); Proposed 23 Com. Reg. 18610 (Nov. 23, 2001).

Commission Comment: See the Chapter Comment regarding the reference to the Director of Fire.

§ 72-10-845 Right of Entry

(a) Whenever necessary to make an inspection to enforce any of the provisions of the Fire Code Regulations or the Fire Code Safety Act of 1998, or whenever the Director of Fire has reasonable cause to believe that there exists in any building or upon any premises any condition which makes such building or premises unsafe, the Director or designated official is authorized to enter such building or premises at all reasonable times to inspect the same or to perform any duty authorized by this code, provided that if such building or premises is occupied, the Director or designated official shall first present proper credentials and demand entry; and if such building or premises is unoccupied, the Director or designated official shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and demand entry. If such entry is refused, the Director or designated official shall have recourse to every remedy provided by law to secure entry.

(b) If the owner or occupant denies entry, the Director or designated official is authorized to obtain a proper inspection warrant or other remedy provided by law to secure entry. Owners, occupants, or any other persons having charge, care, or control of any building or premises shall, after proper request is made as herein provided, promptly permit entry therein by the Director or designated official for the purpose of inspection and examination pursuant to the code in this subchapter.

History: Amdts Adopted 36 Com. Reg. 35612 (Oct. 28, 2014); Amdts Proposed 36 Com. Reg. 35411 (Aug. 28, 2014); Amdts Adopted 27 Com. Reg. 25146 (Oct. 24, 2005); Amdts Proposed 27 Com. Reg. 24913 (Sept. 22, 2005); Adopted 24 Com. Reg. 19116 (Apr. 29, 2002); Proposed 23 Com. Reg. 18610 (Nov. 23, 2001).

Commission Comment: The 2014 amendments repealed former subsection (c). The 2014 amendments bore the heading “NMIAC § 150-40.1-840 is hereby amended to read as follows:” but contained amendments to § 150-40.1-845.

See the Chapter Comment regarding the reference to the Director of Fire.

§ 72-10-850 Service of Orders and Notices

(a) Orders and notices authorized or required by the code in this subchapter shall be given or served upon the owner, operator, occupant, or other person responsible for the condition or violation either by verbal notification, personal service, or delivering the same to and leaving it

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with a person of suitable age and discretion upon the premises: or, if no such person is found on the premises, by affixing a copy thereof in a conspicuous place on the door to the entrance of said premises and by mailing a copy thereof to such person by registered or certified mail to the person's last known address.

(b) Orders or notices that are given verbally shall be confirmed by service in writing as herein provided.

History: Amdts Adopted 36 Com. Reg. 35612 (Oct. 28, 2014); Amdts Proposed 36 Com. Reg. 35411 (Aug. 28, 2014); Amdts Adopted 27 Com. Reg. 25146 (Oct. 24, 2005); Amdts Proposed 27 Com. Reg. 24913 (Sept. 22, 2005); Adopted 24 Com. Reg. 19116 (Apr. 29, 2002); Proposed 23 Com. Reg. 18610 (Nov. 23, 2001).

Commission Comment: The 2014 amendments bore the heading "NMIAC § 150-40.1-840 is hereby amended to read as follows:" but contained amendments to § 150-40.1-850.

§ 72-10-855 Adoption of International Fire Code

The most up to date version of the International Fire Code, subject to the amendments provided in this section and the Fire Code Safety Act of 1998, is adopted and made a part of the Fire Code Regulations.

History: Adopted 36 Com. Reg. 35612 (Oct. 28, 2014); Proposed 36 Com. Reg. 35411 (Aug. 28, 2014).

§ 72-10-860 Order of Closure

(a) Whenever the Fire Prevention and Arson Investigation Unit finds any work, structure, or activity regulated by this code or by the Fire Code Safety Act of 1998 in a manner contrary to the provisions of such code or the law, any design and installation document approved by the Director, or any condition of a permit, or otherwise being performed in an unsafe manner, the Director or a designated official may issue an order of closure.

(b) An order of closure shall be in writing and shall be issued to the owner or other person occupying, using, authorizing, supervising, or engaging in work that is contrary to this code or the law. Upon issuance of an order of closure, the cited activity, work, building, structure, or premises, shall be closed to the public and will not be used for habitation. The order of closure shall state the reason for the order, and the conditions under which the order may be lifted.

(c) Where an emergency exists, the official issuing an order of closure shall not be required to give written notice prior to issuing an order of closure.

History: Adopted 36 Com. Reg. 35612 (Oct. 28, 2014); Proposed 36 Com. Reg. 35411 (Aug. 28, 2014).