

1 the Commonwealth, and to direct the Fire Safety Code Official to adopt relevant
2 appendices, and updates to, or new editions of this Code, and exclude non-
3 applicable sections, as needed.

4 **Section 2. Repeal and Re-Enactment.** Title 2, Division 7, Chapter 3 of the
5 Commonwealth Code is hereby repealed and re-enacted as follows:

6 **“§Article 1. General Provisions.**

7 **Section 7311. Purpose.**

8 The purpose of this Act is to establish a fire safety code designed to
9 safeguard to a reasonable degree life and property from the hazards of fire
10 and explosions arising from storage, handling, and use of hazardous
11 substances, materials, and devices, and from any conditions hazardous to
12 life and property in the use or occupancy of any buildings and premises.

13 **Section 7312. Definitions.**

14 All definitions pertaining to the Commonwealth Fire Safety Code not listed
15 below are set forth in the ~~Uniform~~ International Fire Code (IFC) published
16 by the International ~~Conference of Building Officials and the Western Fire~~
17 ~~Chiefs Association~~ Code Council (ICC)

18 (a) “Code” refers to this Commonwealth Fire Safety Code;

19 (b) “Department” means the Department of Fire and Emergency Medical
20 Services (DFEMS);

- 1 (c) "Commissioner" means the Commissioner of Fire and Emergency
2 Medical Services;
- 3 (d) ~~"Fire" is the combustion of material other than deliberate combustion~~
4 ~~for cooking, heating, recreation, incineration, or purposes incidental to the~~
5 ~~normal operation of a property~~ is defined as a rapid, self-sustaining
6 oxidation process accompanied by the evolution of heat and light in varying
7 intensities;
- 8 (e) "Fire hazard" is anything or act ~~which~~ that increases or may cause an
9 increase of the hazard or menace of fire to a greater degree than that
10 customarily recognized as normal by persons in the public service regularly
11 engaged in preventing, suppressing, or extinguishing fire or anything or act
12 which may obstruct, delay, hinder, or interfere with the operations of the
13 fire department or the egress of occupants in the event of fire;
- 14 (f) "Fireworks" are devices designed primarily to produce visible or audible
15 effects by combustion, deflagration, or detonation, including but not limited
16 to, firecrackers containing more than 2 grains (130 milligrams) of explosive
17 composition, aerial shells containing more than 40 grams of pyrotechnic
18 composition, and other display pieces which are classified as ~~Class B or~~
19 ~~Class C~~ Division 1.3G or Division 1.4G Explosive by the labeling
20 requirements of the United States Department of Transportation;

1 (g) "Hazardous Materials" are those chemicals or substances which are
2 physical hazards or health hazards whether the materials are in usable or
3 waste condition;

4 ~~(h) "Uniform Fire Code" means the ordinances adopted and published by~~
5 ~~the International Conference of Building Officials and the Western Fire~~
6 ~~Chiefs Association.~~

7 "International Fire Code" means the fire code adopted and published by the
8 International Code Council or its successor entity;

9 (i) "DFPAI" means Division of Fire Prevention and Arson Investigation;

10 (j) "NFPA" means National Fire Protection Association.

11 (k) "1.3G Explosives" formerly known as Class B special fireworks, are
12 display fireworks as determined by the United States Department of
13 Transportation.

14 (l) "1.4G Explosives" formerly known as Class C common fireworks,
15 means consumer fireworks intended for use by the general public.

16 **Section 7313. Applicability of the Code.**

17 (a) This Chapter shall apply to all persons in the Commonwealth
18 without restrictions unless specifically exempted.

19 (b) This Chapter shall apply to existing conditions as well as
20 conditions arising after the adoption thereof, except that conditions legally
21 in existence at the time of the adoption of the Commonwealth Fire Safety

1 Code and not in strict compliance therewith shall be permitted to continue
2 only if, in the opinion of the Commissioner of Fire and Emergency Medical
3 Services or the Commissioner's authorized representative, they do not
4 constitute a serious hazard to life and property

5 (c) Where there exists a conflict between a general requirement or a
6 specific requirement for an occupancy in the Commonwealth Fire Safety
7 Code and the ~~Uniform~~ International Fire Code, the provisions of the
8 Commonwealth Fire Safety Code shall apply.

9 (d) The fire division of the Commonwealth Ports Authority ("CPA")
10 shall have the same authority and obligation as the Department to comply
11 with and enforce this code within the CPA premises, jurisdiction, and
12 activities.

13 **Section 7314. Authority to Modify the Code.** The authority having
14 jurisdiction (the Commissioner of Fire and Emergency Medical Services or
15 the Commissioner's designated representative) shall have the sole authority
16 to modify any provisions of the Commonwealth Fire Safety Code upon
17 application in writing by the owner or authorized representative provided
18 that "Authority Having Jurisdiction" shall first find that a special reason
19 makes the strict letter of the Code impractical and that the modification will
20 not lessen the fire protection requirements intended to be achieved by this
21 Code or of any regulation adopted under the authority of this Code. All

1 actions granting such modifications shall be recorded, disseminated to
2 concerned signatory agencies, and officially filed in the Department of Fire
3 and Emergency Medical Services, ~~Fire Prevention Section of the~~
4 ~~Department~~ DFPAI.

5 **Article 2. Enforcement Authority.**

6 **Section 7321. Powers of the Department of ~~Public Safety, Fire~~**
7 **~~Division~~ Fire and Emergency Medical Services.**

8 (a) The Department of Fire and Emergency Medical Services shall have
9 the power and duty to control and extinguish injurious or dangerous fires
10 and to remove that which is liable to cause such fires and to enforce all laws
11 relating to the preventing and spreading of fires and all laws pertaining to
12 fire control, fire hazards, and enforcement of all ordinances of the
13 jurisdiction as set forth in the ~~Uniform Fire Code, Article 1, Section 103~~
14 International Fire Code Chapter 1.

15 (b) The officer of the Department of Fire and Emergency Medical
16 Services in charge at the scene of any fire shall have the full power and
17 authority to direct the operation of extinguishment and to take the necessary
18 precautions to prevent the spread of fires. In the course of such operations,
19 the officer may prohibit approach to such fire or incident by any person,
20 vehicle, vessel, or thing and may remove or cause to be removed and kept
21 away from such fire or incident any vehicle or thing and all persons not

1 ~~(a) Prohibition. No manager or other person shall use, or assist in,~~
2 ~~or countenance the use of any theater, hall, or other building for theatrical~~
3 ~~purposes, or for public entertainment of any kind where stage scenery and~~
4 ~~apparatus are employed, without a certificate in writing by the~~
5 ~~Commissioner of Fire and Emergency Medical Services to the effect that~~
6 ~~the provisions of all existing regulations for the prevention of fires have~~
7 ~~been complied with to the Commissioner's satisfaction.~~

8 ~~(b) Fire Equipment. Every manager or other person using any such~~
9 ~~building shall keep and maintain in good condition fire equipment within~~
10 ~~such building as the Commissioner or the Commissioner's designated~~
11 ~~representative, by regulation shall prescribe.~~

12 ~~(c) Freedom from Obstruction. Every manager or other person~~
13 ~~using any such building shall at all times during performances or when such~~
14 ~~building is open to the public, keep every aisle, passageway, exit, entrance,~~
15 ~~and stairway open and clear of temporary seats or other obstructions and all~~
16 ~~doors and gates in or of every such aisle, passageway, exit, entrance, and~~
17 ~~stairway, unlocked so that they will open freely, and no person shall stand~~
18 ~~or remain in any such aisle, passageway, exit, entrance, or stairway during~~
19 ~~performances, or while such building is open.~~

20 ~~(d) Admission of Fire Department. Every manager or person using~~
21 ~~such building shall at all times freely admit fire personnel from the~~

1 ~~Department of Fire and Emergency Medical Services in every building used~~
2 ~~as a theater or place of public amusement whenever necessary in the~~
3 ~~discretion of the Commissioner or the Commissioner's designated~~
4 ~~representative for the purposes of assisting in case of fire or in enforcing the~~
5 ~~provisions of this Code.~~

6 **~~Section 7332. Woodworking Establishments.~~**

7 ~~(a) *Fire Equipment.* Sawmills, carpenter shops, and other places where~~
8 ~~wood is sawed, planed, or worked in such manner as to cause accumulations~~
9 ~~of sawdust or shaving shall maintain in good condition firefighting~~
10 ~~equipment as the Commissioner or the Commissioner's designated~~
11 ~~representative by regulation shall so prescribe.~~

12 ~~(b) *Prevention of Fire.* Before a sawmill or woodworking shop is closed for~~
13 ~~the day, the floors and machinery shall be swept clean of accumulations of~~
14 ~~wood, dust, and shavings, which shall be placed outside the building in trash~~
15 ~~cans or in a place approved by the Commissioner or the Commissioner's~~
16 ~~designated representative for storage of such materials. No furnace, anvil,~~
17 ~~or any other equipment designed to produce ignition shall be placed nearer~~
18 ~~than twenty-five (25) feet from any saw, plane, or woodworking machine.~~
19 ~~Lumber shall be stored as not to cause a fire hazard. The Commissioner or~~
20 ~~the Commissioner's designated representative may inspect any sawmill or~~
21 ~~woodworking shop at any time.~~

1 **~~Section 7333. Garages: Fire Equipment.~~**

2 ~~Every space maintained as a garage for taxis or for commercial repairing,~~
3 ~~cleaning, upkeep, or storage of automobiles, trucks, or gasoline engines,~~
4 ~~shall maintain in good order fire equipment approved by the Commissioner~~
5 ~~or the Commissioner's designated representative by regulation shall so~~
6 ~~prescribe.~~

7 **Section 7334 7331. Prohibition.**

8 It shall be unlawful for any person to remove the gasoline tank cover of any
9 vehicle in the vicinity of a gasoline pump while the motor of such vehicle
10 is running.

11 **§ ~~7335~~ 7332. Fire Hydrant Inspection.**

12 The commissioner or the commissioner's designated representative shall
13 have fire hydrants inspected on a quarterly basis to ensure that they are
14 maintained in good working order; upon discovery of any discrepancies,
15 said representative shall immediately report same to authority having
16 jurisdiction for corrective measures.

17 **Section ~~7336~~ 7333. Fireworks.**

18 Fireworks are prohibited in the Commonwealth of the Northern Mariana
19 Islands unless approved by the Governor and regulated in accordance with
20 ~~Article 78~~ (Chapter-56 Explosives and Fireworks) of the ~~Uniform~~
21 International Fire Code. The Commissioner of Fire and Emergency Medical

1 Services shall regulate the use of fireworks as defined and pursuant to
2 regulations promulgated under this Chapter.

3 **Section ~~7337~~ 7334. Violations of the Code.**

4 It shall be unlawful for any person, firm, or corporation to construct,
5 enlarge, move, equip, use, occupy, or maintain any building or structure or
6 cause to permit the same to be done, in violation of any provision of this
7 Code. When the violation of the Code has occurred, the fire safety official
8 shall cause the violation to be corrected before issuance of an occupancy
9 certificate is permitted.

10 **Section ~~7338~~ 7335. Penalties.**

11 (a) *Civil Penalties.* Any person who violates any of the provisions
12 of this Code or standards hereby adopted or fails to comply therewith, or
13 who violates or fails to comply with any orders made thereunder, or shall
14 build in violation of any detailed statement of specifications or plans
15 submitted and approved thereunder; or any certificate or permit issued
16 thereunder, and from which no appeal has been taken, or who shall fail to
17 comply with such an order as affirmed or modified by the "Authority
18 Having Jurisdiction" or by a court of competent jurisdiction, within the time
19 fixed herein shall severally for each and every such violation and non-
20 compliance, respectively, shall be civilly liable to a fine of not less than
21 \$5,000 nor more than \$10,000. The imposition of one penalty for any

1 violation shall not excuse the violation or permit it to continue, and all such
2 persons shall be required to correct or remedy such violations or defects
3 within a reasonable time; and when not otherwise specified, every ten days
4 that prohibited condition ~~are~~ is maintained shall constitute a separate
5 offense.

6 (b) *Criminal Penalties.* In addition to all other remedies or
7 penalties hereunder, any person who knowingly and willfully commits an
8 offense under subsection (a) above shall upon conviction be imprisoned for
9 not more than six months or fined not more than \$50,000 or both.

10 (c) *Enforced Removal.* The application of the penalty shall not be
11 held to prevent the enforced removal of prohibited conditions.

12 (d) *Private Liability.* Notwithstanding any other remedies available,
13 any person damaged economically, injured, or otherwise aggrieved as a
14 result of a violation of the Fire Safety Code ~~has to~~ cause of action against
15 the person who committed the violation. Violation of the Code shall
16 constitute a per se public nuisance. An award shall include damages and the
17 costs of litigation including reasonable attorneys fees.

18 **Section ~~7339~~ 7336. Permit Requirements.**

19 *Permit Requirements.* Except as exempted by this Code, any person, firm,
20 or corporation who plans to engage in activities, operations, practices, or
21 functions as set forth in the ~~Uniform~~ International Fire Safety Code ~~Article~~

1 applicant, his agents, and employees shall carry out the
2 proposed activity in compliance with all the
3 requirements of this Code and any other laws or
4 regulations applicable thereto, whether specified or not
5 and in complete accordance with the approved plans
6 and specifications. Any permits which purport to
7 sanction a violation of this Code or any applicable law
8 or regulation shall be void and approval of plans and
9 specifications in the issuance of such permit shall
10 likewise be void.

11 (b) *Application for Permit.* An application for a permit
12 required by this Code shall be made to Department of Fire
13 and Emergency Medical Services, ~~Fire Prevention Section~~
14 DFPAI in such form and detail as it shall prescribe.
15 Applications for permits shall be accompanied by such plans
16 as required by ~~the Fire Prevention Section~~ DFPAI.

17 (c) *Inspection Required.* Before a permit may be issued, the
18 Commissioner or the Commissioner's authorized
19 representative shall inspect and approve the receptacles,
20 vehicles, buildings, devices, premises, storage spaces or
21 areas to be used. In instances where laws or regulations are

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enforceable by departments other than Department of Fire and Emergency Medical Services, DFPAI joint approval shall be obtained from all departments concerned. (signatory agencies).

(d) *Permits for Same Location.* Whenever, under the provisions of this Code, more than one permit is required for the same location, such permits may be consolidated into a single permit.

(e) *Revocation of Permits.* Any permit issued under this Code may be suspended or revoked when it is determined after a hearing by the Commissioner or the Commissioner's authorized representative that:

(1) it is used by a person other than the person to whom the permit was issued;

(2) it is used for a location other than that for which is it was issued;

(3) Any of the conditions or limitations set forth in the permit have been violated;

(4) The permittee fails, refuses, or neglects to comply with any order or notice duly served upon him under the provisions of this Code within the time provided therein; or

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(5) There has been a false statement or misrepresentation as to a material fact in the application or plans on which the permit or application was based.

(f) *Required Fees.* The Fire Safety official may charge fees for the issuance of permits and review of plans and other procedures authorized under the provisions of this Code. The fees shall be established by ~~the Fire Chief with the approval of the Commissioner of the Department of Fire and Emergency Medical Services~~ and shall be set forth in the regulations. The fee for permits may vary based on the proposed use or occupancy and values. The Commissioner has the authority to waive permit fees on Government buildings but not limit to lessen life safety and fire protection requirements intended to be achieved by this Code or of any regulation adopted under the authority of this Code.

(g) *Technical Requirements (General).* The purpose of this Section is to set forth the technical procedures, requirements, and minimum standards which shall regulate and control fire protection, storage, and handling of hazardous materials or any other requirements as set forth in this Code, the ~~Uniform~~ International Fire Code and standards, or any other

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nationally recognized standards and life safety procedures,
as adopted herein

(h) *Technical Requirements (Specific)*. Except as otherwise provided by this Code, all fire protection procedures, requirements, and minimum standards which shall regulate and control fire protection, storage and handling of hazardous materials and other life safety requirements shall conform to the requirements of ~~Parts I, II, III, IV, V, VI, appendices I-A through VI-I~~ the International Fire Code that will be applied in the CNMI Appendices B, C, D & I and all other related reference publications of the ~~Uniform International Fire Code~~, as amended, ~~and the Uniform Fire Code standards published by the International Conference of Building Officials and the Western Fire Chief Associations, the Code Council or its successor entity.~~

(i) Fire Safety Code Revolving Fund

- 1) The Department of Finance had already established three (3) accounts to be known as the "Fire Safety Code Revolving Funds". The fees collected from each senatorial district shall be deposited to each respective account;

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- 2) Notwithstanding any other provision of law, the funds collected and deposited pursuant to subsection (a) shall be expended continuously without further appropriation and specifically for the repair, maintenance, and upgrade of DFEMS-DFPAI vehicles, office, equipment, and supplies, and as well as for DFPAI personnel continuing education and training; that includes Specialized Training, Department Training, In-Service, and Public Education Outreach Program.
- 3) The expenditure authority shall be the Commissioner of the Department of Fire and Emergency Medical Services for Saipan, the Resident Deputy Commissioner for Tinian and Rota;
- 4) Shall not be reprogrammed for any other purpose or to any other agency.

Section ~~7340~~ 7337. Adoption of Other Codes; Modification of Existing Codes.

~~(a) The fire safety officials as authorized by the Commissioner may adopt as appropriate for the Commonwealth other national and uniform~~

1 ~~codes and standards, or amendments to previously adopted codes and~~
2 ~~standards covering life safety and fire protection regulations. The codes,~~
3 ~~standards, and amendments shall be listed in the regulations. The~~
4 International Fire Code (IFC) as published by the International Code
5 Council, is hereby adopted and enacted as the fire code for the
6 Commonwealth of the Northern Mariana Islands (CNMI), commencing
7 with the 2018 Edition of the IFC, including the entirety of the
8 Appendices. The IFC shall be recognized as the standard for the
9 furtherance of the intent of Division 7, Chapter 3 of this Title, the
10 Commonwealth Fire Safety Code, regulating and governing the
11 safeguarding of life and property from fire and explosion hazards arising
12 from the storage, handling, and use of the hazardous substance,
13 materials, and devices and from condition hazards to life or property in
14 the occupancy of buildings and premises in the Commonwealth of
15 Northern Mariana Islands.

16 (b) ~~It shall be the responsibility of the fire officials, with the~~
17 ~~approval of the Commissioner, to recommend to the Legislature appropriate~~
18 ~~modifications to be made in the Uniform Fire Code and Standards adopted~~
19 ~~herein. The Commissioner may adopt as appropriate for the Commonwealth~~
20 other national codes and standards, or amendments to previously adopted

1 codes and standards covering life safety and fire protection regulations. The
2 codes, standards, and amendments shall be listed in the regulations.”

3 **Section 3. Severability.** If any provisions of this Act or the application of
4 any such provision to any person or circumstance should be held invalid by a court
5 of competent jurisdiction, the remainder of this Act or the application of its
6 provisions to persons or circumstances other than those to which it is held invalid
7 shall not be affected thereby.

8 **Section 4. Savings Clause.** This Act and any repealer contained herein
9 shall not be construed as affecting any existing right acquired under contract or
10 acquired under statutes repealed or under any rule, regulation, or order adopted
11 under the statutes. Repealers contained in this Act shall not affect any proceeding
12 instituted under or pursuant to prior law. The enactment of the Act shall not have
13 the effect of terminating, or in any way modifying, any liability, civil or criminal,
14 which shall already be in existence on the date this Act becomes effective.

15 **Section 5. Effective Date.** This Act shall take effect upon its approval by
16 the Governor, or it becoming law without such approval.

Prefiled: 10/20/2023

Date: _____

Introduced by: _____


Rep. Thomas J. DLC. Manglona

Reviewed for Legal Sufficiency by:

Carol S. Jay
House Legal Counsel