

A LOCAL BILL FOR AN ACT

To amend the Nuisance Abatement and Blighted Property Maintenance Act of 2018; and for other purposes.

BE IT ENACTED BY THE THIRD SENATORIAL DISTRICT DELEGATION PURSUANT TO CHAPTER 4, DIVISION 1, TITLE 1 OF THE COMMONWEALTH CODE:

1 **Section 1. Findings and Purpose.** The Saipan and Northern Islands Legislative
2 Delegation (Delegation) finds that the application of Saipan Local Law 20-25, the
3 Nuisance Abatement and Blighted Property Maintenance Act of 2018 (the “Act”) to
4 every building, public or private, and to any tract of land, improved or unimproved along
5 the roadways, tourist and industrial areas within the island of Saipan to be problematic,
6 unfair, and inadequately defined in scope and authority.

7 The Delegation finds that varmints and overgrown natural foliage do pose health
8 risks and affect property values, respectively, but not to a degree warranting a greater
9 burden to all landowners, building owners, and leasehold owners with the island of
10 Saipan. Natural foliage within the island of Saipan is plentiful and grows uncontrollably
11 requiring landowners to expend a great deal of resources and effort for its constant
12 maintenance. As consequence, vacated or abandoned lots or parcels appear to have a
13 higher chance of weed overgrowth during lengthy inoccupation. Although these unkept
14 parcels may affect market value of neighboring parcels or lots, the island of Saipan is a
15 mere thirty-five by five square miles of archipelago land mass. Thus, land valuation of a
16 limited resource is more dependent on location than foliage overgrowth. For instance, the

1 village of Garapan commands greater price per square meter versus other villages on
2 island, whether saturated with overgrown weeds, brush, etc.

3 The Delegation further finds that during these times of economic uncertainties
4 (inflation, austerity, touchback, etc.), the current mandates of Saipan Local Law 20-25,
5 codified at 10 CMC § 30501 *et seq.*, impose an excessive burden on the landowners on
6 the island of Saipan to maintain their improved or unimproved tract of land and any
7 unoccupied (vacated/abandoned) building or structure free from varmints, foliage
8 overgrowth and trespassers at all times. In addition, there is no identified appropriate
9 enforcement agency or sufficient budgetary appropriation for such enforcement of the
10 maintenance of blighted “public” properties.

11 The Delegation finds that in order to promote consistency, fairness, and
12 compliance, it is prudent to amend Saipan Local Law 20-25 to limit its scope, authority,
13 and applicability. Accordingly, the purpose of this legislation is to limit the applicability
14 of Saipan Local Law 20-25 to land or real properties located along primary roadways or
15 highways, tourists and industrial areas, and within the “Central Area of Saipan” and the
16 abandoned or vacated building or structure, public or private, on such properties. This
17 legislation further amends other provisions of Saipan Local Law 20-25 to improve and
18 clarify the provisions and the application of the Act.

19 **Section 2. Amendment.** Title 10, Division 3, Chapter 14 of the Commonwealth
20 Code is hereby amended to read as follows:

21 **“Chapter 14. Nuisance Abatement and Blighted Property**

22 **Maintenance Act of 2018.**”

1 **§ 30501. Short Title.** [No change.]

2 **§ 30502. Applicability.**

3 (a) This chapter shall apply only to every real properties located along primary
4 roadways or highways, tourists and industrial areas, and within the Central Area of
5 Saipan (hereinafter referred to as "Act Identified Properties") and the abandoned or
6 vacated building or structure located on such properties, public or private inclusive and
7 portion thereof, and appurtenance thereto, and the premises on which it is situated, used
8 or intended to be used, whether for commercial, business, institutional, industrial, multi-
9 family or residential.

10 (b) This chapter will also apply to ~~any~~ "Act Identified Properties" improved or
11 unimproved lot or tract of land, notwithstanding its use, ~~along primary roadways, tourist,~~
12 ~~and industrial areas,~~ within the island of Saipan.

13 (c) Every portion of a building and premises thereof shall conform to the
14 requirements of the specific Part of this chapter irrespective of the primary use of the
15 building and irrespective of when the building may have been constructed, altered or
16 repaired.

17 (d) This chapter establishes certain minimum standards for the initial and
18 continued occupancy, use and maintenance of ~~all~~ "Act identified" commercial, business,
19 institutional, industrial, multi-family and single family residential buildings and
20 structures and does not replace or modify standards, such as the Building or Fire Code,
21 otherwise established for the construction, repair, alteration or use of such buildings and
22 structures, the premises, or the equipment or facilities maintained in the buildings or

1 structures or on the premises. Where a provision of this chapter is found to conflict with
2 another applicable code or regulation, the provision that establishes the higher standard
3 shall prevail.

4 (e) Notwithstanding any other provision in this chapter if a structure sought to be
5 regulated is a landmark or contributing structure located in a historic district, such
6 regulatory efforts shall be tailored to have the least intensive impact on the structure
7 while still furthering the intent of this chapter.

8 **§ 30503. Saving Clause.** [No change.].

9 **§ 30504. Authority to Interpret; and to Make, Alter and Repeal Rules.** [No
10 change.]

11 **§ 30505. Definitions.** For purposes of this chapter:

12 (a) “Abandoned or stored vehicle”. Abandoned vehicle means a vehicle that does
13 not bear a license plate, or is unregistered for period, not to exceed one year from yearly
14 mandated CNMI law vehicle registration and incapable of moving under its own power.
15 Stored vehicle means a vehicle found to be parked on public parking, alleyway, any area
16 of a roadway in same parking location for a long period of time as prescribe below in
17 Section 30509.

18 (b) “Abandoned building or structure” means an Act identified premise, parcel or
19 real property that maintains an appearance of neglect or evidence of neglect for a
20 reasonable period not to exceed (6) months or 180 days, whichever occurs first; or,
21 significantly consumed by surrounding natural foliage and physical deterioration of
22 building or structural integrity necessitating significant monetary contribution or expense

1 that exceeds \$10,000.00USD or its equivalence to inflation, for its rehabilitation or
2 reconstruction.

3 (c) “Administrator” means the Zoning Administrator authorized by 2 CMC §
4 7222.

5 (d) “Alter or alteration” means a change or modification in construction or
6 occupancy.

7 (e) “Blight” Blighting influence or blighting factor means either: that which
8 endangers life or property by fire or other causes or that which substantially impairs or
9 arrests property values or the sound economic growth of the Commonwealth and is a
10 menace to the public health, safety, morals, or welfare in its present condition and use.

11 (f) “Building or structure” means that which is built or constructed, an edifice of
12 any kind, or any piece of work artificially built or composed of parts joined together in
13 some form. The terms “building” or “structure” shall be construed as if followed by the
14 words “or part thereof.” Accessory buildings, canopy, shelving, rack, and each and every
15 type of portable equipment shall be considered buildings or structures within the meaning
16 of the definition.

17 (g) “Central Area of Saipan” means the area starting from American Memorial
18 Park in Garapan and ending at the Atkins Kroll Intersection in San Jose/Oleai in Saipan.

19 (h) “Deterioration” means the condition or appearance of a building or structure,
20 characterized by significant or substantial holes, breaks, rot, crumbling, cracking,
21 spalling, peeling, rusting, or other evidence of significant or substantial physical decay or
22 neglect, excessive use, or lack of maintenance. (“Significant” or “substantial” signifies

1 more than ordinary or reasonable wear and tear due to age, useful life or costs of repairs
2 that exceeds \$10,000.00USD, or its equivalent due to inflationary adjustments).

3 (i) "Dwelling" means a building or mobile home which is wholly or partially used
4 or intended to be used for living or sleeping by human occupants, whether or not the
5 building is actually occupied or vacant; provided, that temporary housing, as defined in
6 this Section shall not be regarded as a dwelling.

7 (j) "Existing building" means a building, apartment house, outhouse, pala-pala,
8 rooming house, or erected structure completed or uncompleted for an intended purpose,
9 in form or shape irrespective of when the building was constructed, altered, ~~or~~ repaired or
10 renovated.

11 (k) "Exposed to public view" means any premises, or open space, or any part
12 thereof, or any building or structure that may be lawfully viewed by any member of the
13 public from the air, sidewalk, street, alleyway, or from any adjoining or neighboring
14 premises.

15 (l) "Exterior premises" means those portions of a building or structure that are
16 exposed to public view, and the open space of any premises outside of any building or
17 structure erected thereon.

18 (m) "Extermination means" the control and elimination of insects, rodents or
19 other pests by eliminating their harborage places; by removing or making inaccessible
20 materials that may serve as their food; by poisoning, spraying, fumigating or trapping; or
21 by using another recognized and legal pest elimination method approved by the Chief

1 appropriate government agency or department specifically delegated under the CNMI
2 code and regulation.

3 (n) “Good state of repair” means a standard of maintenance that renders a
4 building safe, serviceable, habitable, and possessed of a neat and orderly appearance.

5 (o) “Good working condition” means the item is fully operable for the use for
6 which it was intended by the manufacturer or licensed service provider, whichever is
7 applicable.

8 (p) “Habitable room” means a room or enclosed floor space used or intended to be
9 used for living, sleeping, cooking or eating purposes, excluding bathrooms, water closet
10 compartments, laundries, pantries, foyers or communicating corridors, closets and storage
11 space.

12 (q) “Historic landmark” means a specific object, site or building designated as
13 historic by CNMI or Federal law.

14 (r) “Infestation” means the presence, within or around a dwelling, of insects,
15 rodents, or other pests.

16 (s) “Inner court” means an open unoccupied space bounded by the walls of the
17 building but located within the exterior walls of the building.

18 (t) “Inoperable when referring to a vehicle” means incapable of being
19 immediately driven, moved, or pulled in the manner for which it was intended or
20 designed.

21 (u) “Junk vehicle” means an abandoned or inoperable vehicle.

1 (v) “Junk vehicle removal” means to physically remove a junk vehicle from
2 private or public property.

3 (w) “Multifamily residential building or structure” means a residential building or
4 structure not used, or intended to be used, as a single-family residence.

5 (x) “Owner” means:

6 (1) The holder of the legal title in fee simple, whether a single person, a
7 group of persons or one or more companies, associations, or

8 (2) A person who alone or jointly or severally with others:

9 (i) ~~Has~~ Maintains legal title to a dwelling unit, with or without
10 accompanying actual possession thereof.

11 (ii) ~~Has~~ Maintains charge, care or control of a dwelling or dwelling
12 unit, as owner or as personal representative, administrator, trustee,
13 guardian of the estate of the owner, mortgagee or vendee in possession,
14 assignee of rents, lessee or other person, firm or corporation in legal
15 control of a building.

16 (iii) ~~The~~ An duly authorized agent of any of the foregoing.

17 (iv) ~~Has~~ Maintains a leasehold interest of twenty-five (25) years or more
18 in total.

19 (y) “Physical value” means the actual cost of rehabilitation or replacement of a
20 building or structure with ~~similar~~ like materials erected or constructed in a manner similar
21 to the original construction.

22 (z) “Premises” means building, structure and grounds ~~thereon~~ situated thereon.

1 (aa) "Repair" means the replacement of existing work, in a workmanlike manner,
2 with ~~the same kind of~~ like material used in the original or existing work, not ~~including~~
3 ~~additional work~~ additions or improvements that ~~would~~ may:

4 (1) Change the structural safety of the building.

5 (2) Affect or change required exit facilities or a vital element of an
6 elevator, plumbing, gas piping, wiring or heating installation.

7 (3) Be in violation of the law.

8 The term repair shall not apply to a change of construction.

9 (bb) "Required" means required by some provision of the law.

10 (cc) "Structure" means that which is built or constructed, an edifice or building of
11 any kind or a piece of work artificially built up or composed of parts joined together in
12 some definite manner.

13 (dd) "Substandard dwelling or structure" means a dwelling, dwelling unit,
14 multiple dwelling, apartment, apartment house or another space used or intended to be
15 used as a habitable living space in a building or structure which does not meet the basic
16 minimum requirements of this Chapter for the use.

17 (ee) "Vehicle when used in this chapter" means a motor vehicle, travel trailer, and
18 other vehicles required by the state to be licensed, which also includes buses, mopeds,
19 motorcycles, trucks, semi-tractors and/or trailers, go-carts, golfcarts, and campers. This
20 definition shall not include mobile or manufactured homes.

21 **§ 30506. Conditions Prohibited and Declared Public Nuisances.**

1 The following described conditions occurring or being upon any “Act identified”
2 lot(s), tract(s) or parcel(s) of land, or contiguous swales, improved or unimproved, within
3 fifty (50) feet of any improved property on which there exists a building, structure or
4 other premises occupied by people within the island of Saipan, or on ~~any~~ “Act identified”
5 lot(s), tract(s) or parcel(s) of land irrespective of its distance from any structure when the
6 Administrator determines, on a case by case basis, to the extent and in the manner that the
7 lot(s), tract(s) or parcel(s) of land is or may reasonably become infested or inhabited by
8 rodents, vermin or animals, or may furnish a breeding place for mosquitoes, or threatens
9 or endangers the public health, safety or welfare, ~~or may reasonably cause disease,~~ are
10 each hereby prohibited and declared to be a public nuisance:

11 (a) An unsecured vacant building or dwelling, including abandoned buildings,
12 unfinished buildings where construction has ceased for over six (6) months or 180 days,
13 whichever occurs first ~~and any other unsecured vacant building;~~

14 (b) A building, structure, premises or other place which provides uncontrolled
15 breeding places, protection or shelter for rodents, vermin or other pests, or which is not
16 currently occupied by the owner and provides a site for drug manufacturing, drug
17 trafficking or drug use;

18 (c) Accumulated garbage, trash, rubbish or debris;

19 (d) (1) Junk or abandoned vehicles, or any vehicle which:
20 (i) Threatens or endangers public safety or welfare;
21 (ii) Creates a blighting influence upon the neighborhood where the
22 vehicle rests; or

1 (iii) ~~Is, or~~ May reasonably become infested or inhabited by rodents,
2 vermin or animals, or may furnish a breeding place for rodents, vermin or
3 animals.

4 (2) As it relates to bona fide automobile repair facilities existing as of the
5 effective date of SSL 20-25, such establishments shall be allowed to maintain
6 outside storage of junk or abandoned vehicles for a period of six (6) months from
7 the effective date of SLL 20-25. ~~After the expiration of this time~~ At the expiration
8 of the above period, all junk and/or abandoned vehicles must be removed or
9 stored in a completely enclosed building.

10 (e) Nuisance vegetation which exceeds a height of (fifteen) 15 inches over ~~the~~
11 ~~majority~~ three-fourths (3/4th) of the said lot, tract or parcel, or untended growth of weeds,
12 grass, underbrush or undergrowth, or other noxious vegetation (but not to include trees,
13 plants or other vegetation protected by CNMI or Federal law), or nuisance vegetation that
14 impairs visibility along public roadways in a manner that impedes traffic flow and safety
15 or ~~is~~ becomes a fire hazard.

16 (f) A wholly or partially manmade pool, pond or other body of water, which tends
17 to produce disease vectors, biting insects, pests or the like. In addition, in the case of
18 swimming pools, water quality and clarity may be declared a threat to or endangerment
19 of public health and safety when the clarity of the pool water is such that the main drain
20 grate is not visible to a person standing on the pool deck, or the recirculation system or
21 disinfection feeding equipment is missing or not functioning.

1 (g) Any use of the right of way that is not permitted pursuant to the laws of the
2 United States or Commonwealth, or which poses a hazard to motorists.

3 (h) An unsafe or unsanitary condition not included within the meaning of the
4 other terms as used herein which endangers the public health, ~~welfare or safety or welfare~~
5 of the community.

6 **§ 30507. Publicly Parked Junk or Abandoned Vehicles and Vehicle Storage**
7 **on Public Parking, Streets or Roadways Strictly Prohibited. ~~Junk and Abandoned~~**
8 **Vehicle Parking or Storage Prohibited.**

9 (a) No person in charge or control of any property within the island of Saipan
10 shall allow any junk or abandoned vehicle to remain on any private or public property
11 within the island of Saipan longer than sixty (60) days; ~~and~~

12 (b) No person shall use public property for storage of any vehicle ~~leave any such~~
13 ~~vehicle on any property~~ within the island of Saipan ~~for longer than 60 days.~~ Any vehicle
14 publicly parked in a reasonable manner indicating an appearance of storing said vehicle
15 for a period not to exceed sixty (60) days shall constitute as storage on public property
16 and shall be immediately removed by the appropriate government agency; except that this
17 chapter shall not apply to ~~a vehicle~~ vehicles parked on the private premises of a business
18 enterprise currently licensed and operated in a lawful place and manner to repair vehicles.

19 (c) Junk and abandoned vehicles remaining on public or private property beyond
20 the time limits specified in this section shall be deemed to have no monetary value
21 greater than the cost of removal by the Commonwealth or by a private contractor and
22 recycled or otherwise disposed of in accordance with law. In addition, removal of

1 publicly stored vehicles shall be towed at the vehicle title owner's expense by a private
2 licensed towing facility upon the request and direction of Department of Public Safety
3 Officer or Department of Fire and Safety, whichever applicable.

4 **§ 30508. Basic Maintenance of "Act Identified" Non-Blighted Properties.**

5 (a) – (c) [Unchanged.].

6 **§ 30509. Boarding of Vacant Buildings or Dwellings and Fencing of Blighted**
7 **Property.**

8 (a) It is declared unlawful and a public nuisance for ~~any~~ an owner or lessor of ~~any~~
9 unoccupied property, as defined by this chapter, within the island of Saipan to maintain
10 such property or permit such property to be maintained in such manner that any one or
11 more of the conditions described in the following subsections are found to exist:

12 (1) ~~Any~~ Vacant and unoccupied buildings or structure of which doors,
13 windows, or other openings are broken or missing, so as to allow access to the
14 interior.

15 (2) Vacant and unoccupied building or structure without proper enclosed
16 fence erected by a valid licensed professional contractor.

17 (3) ~~Any~~ Vacant and unoccupied building or structure of which doors,
18 windows, or other openings are secured by boarding for a period exceeding six (6)
19 months with the exception of historic buildings that have an approved "mothball"
20 status.

21 (b) Additional time period extensions beyond the initial six (6) months boarding
22 of a building and fencing may be approved by the Administrator.

1 (c) When a building or structure is unoccupied and is unsafe because it is vacant,
2 unguarded, not fenced, and open at doors, or windows or otherwise provides access to
3 exterior and the interior of the property, the Administrator may approve the temporary
4 securing of the building or structure and fencing of the property. Materials or methods for
5 securing the building or structure shall be as follows:

6 (1) Windows and doors shall be repaired or replaced, closed and locked to
7 prevent unauthorized entry. Other openings shall be sealed with solid sheathing,
8 securely nailed in place, and painted a similar color as the main structure, ~~or~~

9 (2) Fencing the blighted property site shall be constructed or erected by a
10 licensed professional contractor with mesh covering on fence to preclude visual
11 sight of dilapidated or deteriorating building or structure and weed overgrowth.

12 (3) The Administrator may approve alternatives to the above method,
13 provided that the alternatives are equivalent to the above in strength. Boarding
14 and fences may be for a period of three (3) years if approved for a mothballing
15 certificate of appropriateness, with any extensions that may be granted through a
16 subsequent certificate of appropriateness. Property owners of non-emergency
17 condemned propellies that are locally designated or listed on the National
18 Register of Historic Places shall be notified of the option to mothball their
19 building and be given sixty (60) days to respond. The Commonwealth will hold in
20 abeyance enforcement or corrective measures until that period expires.

21 **§§ 30510. Orders and Notice.** [No change.]

22 **§ 30511. Hearing.** [No change.]

1 **§ 30512. Abatement of Public Nuisances.** [No change.]

2 **§ 30513. Penalties.** [Unchanged.]

3 **§ 30514. Lien for Costs of Termination and Penalties, Nuisance Abatement**
4 **Lien Record and Notice.** [Unchanged.].

5 **§ 30515. Finality and Priority of Lien.** [Unchanged.].

6 **§ 30516. Payment and Enforcement of Lien and Interest Thereon.**
7 [Unchanged.].

8 **§ 30517. Appeals.** [Unchanged.].”

9 **Section 4. Transition.** Notwithstanding any law to the contrary, the amendments
10 enacted pursuant to this Act shall not be enforced until one year after its effective date.
11 During this one (1) year period, the Zoning Board shall conduct public education
12 regarding the requirements and enforcement of the provisions of this Act.

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

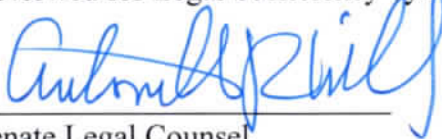
18 **Section 6. Savings Clause.** This Act and any repealer contained herein shall not
19 be construed as affecting any existing right acquired under contract or acquired under
20 statutes repealed or under any rule, regulation, or order adopted under the statutes.
21 Repealers contained in this Act shall not affect any proceeding instituted under or
22 pursuant to prior law. The enactment of the Act shall not have the effect of terminating,

1 or in any way modifying, any liability, civil or criminal, which shall already be in
2 existence on the date this Act becomes effective.

3 **Section 7. Effective Date.** This Act shall take effect upon its approval by the
4 Governor or becoming law without such approval.

Date: 10/22/23

Introduced By: 
Sen. Corina L. Magofna

Reviewed for Legal Sufficiency by:

Senate Legal Counsel