

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

§ 7122. Powers and Duties of the Building Safety Official.

(a) *General.* The building safety official shall educate the public concerning the building safety code and shall enforce all of its provisions.

(b) *Deputies.* In accordance with prescribed procedures, the building safety official shall select a qualified chief plans examiner, who shall be a registered architect or engineer licensed to practice in the Commonwealth or certified by the International Conference of Building Officials, and such other related technical officers, inspectors or administrative employees as are required to accomplish the intent and purposes of this safety code. They shall be exempt from the application of the Commonwealth Civil Service Act, 1 CMC § 8101 et seq. The Director of the Department of Public Works may set the wage and salary scales of the division. Further, they shall be provided with the training and resources to carry out their duties.

(c) *Right of Entry.* Whenever necessary to make an inspection to enforce any of the provisions of this safety code or whenever the building safety official has reasonable cause to believe that there exists in any building or upon any premises any condition or code violation which makes such building or premises unsafe, dangerous or hazardous, the building safety official or the building safety official's authorized representative may enter such building or premises at any reasonable time to inspect the same or to perform any duty imposed upon the building safety official by this code; provided, that if such building or premises be unoccupied, the building safety official or the authorized representative shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. If entry is refused, the building safety official or the authorized representative may obtain a court-ordered warrant for entry and shall have recourse to every other means provided by law to secure entry.

(d) *Stop Work Orders.* Whenever any construction is being done contrary to the provisions of this safety code, the building safety official shall enforce the code by ordering the construction stopped by notice in writing served on the owner or the construction supervisor or, in the event neither the owner nor the supervisor is at the building or on the premises, on any persons engaged in or causing such construction to be done, and any such person or persons shall promptly stop such construction until the project is in compliance with this code and continuation of work is authorized by the building safety official. If any stop work order is not complied with, the building safety official may obtain a court-ordered injunction and shall have recourse to every other means provided by law to stop such construction.

(e) *Use Violations.* Whenever any building or structure or equipment that is regulated by this code is being used contrary to the provisions of this code, the building safety official may order such use discontinued and the structure or portion thereof vacated by notice served on the owner or building manager or, if neither the owner nor the building manager are at the building or on the premises, on any person causing the unauthorized use to be continued. Such person or persons shall discontinue the use within the time prescribed by the building

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safety official after receipt of a notice to make the structure, or portion thereof, comply with the requirements of this code. If any such order is not complied with, the building safety official may obtain a court-ordered injunction against such use and shall have recourse to every other means provided by law to secure discontinuation of the use.

(f) *Liability.* This code shall not be construed to relieve from or lessen the responsibility of any person owning, operating, or controlling any building or structure for any damages to persons or property caused by defects, nor shall the Building Safety Division or the Commonwealth government be held as assuming any such liability by reason of the permit or inspection authorized by this code or any certificate of inspection issued under this code.

(g) *Cooperation of Other Officials and Officers.* The building safety official may request, and shall receive so far as is required in the discharge of his or her duties, the assistance and cooperation of other officials of the Commonwealth government.

(h) *Regulations.* The building safety official shall issue regulations as required under 2 CMC § 7153 and shall endorse model house plans under 2 CMC § 7151.

(i) *Education.* The building safety official shall undertake and be responsible for the education of the general public, particularly owner-builders of owner-occupied dwellings, with respect to the purposes, provisions and requirements of this safety code, the plan review services provided by the Building Safety Division, and economical and energy and water conservative building materials, methods and equipment.

(j) *Annual Report.* The building safety official shall report annually to the legislature on the work of the Building Safety Division, recommending such additions or revisions of the building safety code as may be appropriate.

Source: PL 6-45, § 1 (§ 7122); amended by PL 8-8, § 2.

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