

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

§ 7126. Violations of the Code.

(a) It shall be unlawful for any person, firm or corporation to construct, enlarge, move, equip, use, occupy or maintain any building or structure, or cause to permit the same to be done, in violation of any provisions of this building safety code. If a violation of the building safety code has occurred, the building safety official shall require the completion of corrective measures that result in compliance with the building safety code before occupancy of the building is permitted.

(b) *Civil Penalty.* In addition to the powers of the building safety official under 2 CMC § 7122(d) and (e), the building safety official shall establish by regulation a system of civil penalties, gradated by severity and type of violation, and not to exceed \$10,000 or one percent of the total value of the project, whichever is greater, per day for code violations, and may obtain injunctive relief from sale, delivery, use, occupancy, construction, or removal of any building covered by this building safety code, upon an affidavit of the building safety official specifying the manner in which the building does not conform to the building safety code.

(c) *Criminal Penalty.* In addition to all other remedies or penalties hereunder, any person who knowingly and willfully commits an offense under subsection (a) of this section shall upon conviction be imprisoned for not more than six months or fined not more than \$50,000 or both.

(d) *Private Action.* Notwithstanding any other remedies available, any person damaged economically, injured, or otherwise aggrieved as a result of a violation of the building safety code has a cause of action against the person who committed the violation. Violation of the building safety code shall constitute a per se public nuisance. An award shall include damages and the costs of litigation including reasonable attorney's fees.

Source: PL 6-45, § 1 (§ 7126).