



RALPH DLG. TORRES
Governor

VICTOR B. HOCOG
Lieutenant Governor

COMMONWEALTH of the NORTHERN MARIANA ISLANDS
OFFICE OF THE GOVERNOR

14 JUN 2018

The Honorable John Paul P. Sablan
Chairman
Saipan and Northern Islands Legislative Delegation
Twentieth Northern Marianas
Commonwealth Legislature
Saipan, MP 96950

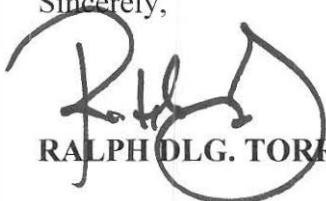
The Honorable Rafael S. Demapan
Speaker, House of Representatives
Twentieth Northern Marianas
Commonwealth Legislature
Saipan, MP 96950

Dear Mr. Chairman and Mr. Speaker:

This is to inform you that I have signed into law House Local Bill No. 20-14, D5 entitled, "To require all property owners that hold blighted properties within the island of Saipan to be held accountable to secure and maintain abandoned, vacant, and blighted properties; and for other purposes.", which was passed by the Saipan and Northern Islands Legislative Delegation of the Twentieth Northern Marianas Commonwealth Legislature.

This bill becomes **Saipan Local Law No. 20-25**. Copies bearing my signature are forwarded for your reference.

Sincerely,



RALPH DLG. TORRES

cc: Lt. Governor; Press Secretary; Attorney General's Office; Commonwealth Zoning;
Department of Finance; Public Auditor; Special Assistant for Administration; Special
Assistant for Programs and Legislative Review



Saipan & Northern Islands Legislative Delegation
Twentieth Northern Marianas Commonwealth Legislature

Third Senatorial District

P.O. Box 500586

Saipan, MP 96950

Representative John Paul P. Sablan, Chairman

Senator Sixto K. Igisomar, Vice Chairman

Representative Joseph P. Deleon Guerrero, Floor Leader

May 11, 2018

Honorable Ralph DLG. Torres
Governor
Commonwealth of the Northern
Mariana Islands
Saipan, MP 96950

Dear Governor Torres:

I am honored to transmit for your action *House Local Bill No. 20-14, D5* entitled,

“A Local Bill For An Act For The Third Senatorial District”

“To require all property owners that hold blighted properties within the island of Saipan to be held accountable to secure and maintain abandoned, vacant, and blighted properties; and for other purposes.”

This bill was passed by the Saipan and Northern Islands Legislative Delegation of the Twentieth Northern Marianas Commonwealth Legislature, by a unanimous vote of the members, a quorum duly present, on First and Final Reading during its First Day, Second Special Session 2018 held on April 30, 2018.

Sincerely,

A handwritten signature in cursive script, appearing to read "Chanale C. Cabrera".

CHANELE C. CABRERA
Delegation Assistant

Enclosures



**SAIPAN AND NORTHERN ISLANDS LEGISLATIVE DELEGATION
TWENTIETH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE
SECOND SPECIAL SESSION, 2018**

HOUSE LOCAL BILL NO. 20-14, D5

**A LOCAL BILL FOR AN ACT
FOR THE THIRD SENATORIAL DISTRICT**

To require all property owners that hold blighted properties within the island of Saipan to be held accountable to secure and maintain abandoned, vacant, and blighted properties; and for other purposes.

Offered by

Representatives Lorenzo I. Deleon Guerrero, Francisco S. Dela Cruz, Edwin K. Propst,
Gregorio M. Sablan, Jr., John Paul F. Sablan, and Vinson F. Sablan

on

May 1, 2017

HOUSE ACTION

Transmitted to Saipan and Northern Islands Legislative Delegation for action on
June 30, 2017

DELEGATION ACTION

Referred To : 7/26/17 - SNILD Committee on JOG, H&W, &
Tourism [*Hse. Comm. 20-19*]

Comments Solicited : 7/3/17- Mayor of Saipan; Mayor of Northern Islands;
Chairman, SNI Municipal Council [*DM 20-53
thru 20-55*]

Comments Received : 7/17/17 – Mayor of Northern Islands [*Mayor's Comm.
20-37*]
8/8/17 – Mayor of Saipan [*Mayor's Comm. 20-15*]

Standing Committee Report : 10/27/17 - SCR 20-5 [*w/D1*]

Passed Second & Final Reading : 4/30/18 – HLB 20-14, D5

A handwritten signature in cursive script, appearing to read "Chanele C. Cabrera".

Chanele C. Cabrera, Delegation Assistant



SAIPAN AND NORTHERN ISLANDS LEGISLATIVE DELEGATION
Third Senatorial District
Twentieth Northern Marianas Commonwealth Legislature

THIRD SPECIAL SESSION, 2017

HOUSE LOCAL BILL NO. 20-14, D5

A LOCAL BILL FOR AN ACT
FOR THE THIRD SENATORIAL DISTRICT

To require all property owners that hold blighted properties within the island of Saipan to be held accountable to secure and maintain abandoned, vacant, and blighted properties; 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 Legislature finds that abandoned, blighted, and
2 vacant properties have proliferated throughout the Commonwealth of the Northern Mariana
3 Islands over the past several years. Blighted properties can create an increased risk to the
4 community from unsecured or open doors and windows, broken water pipes, theft of metals and
5 other materials, overgrowth of grass, weeds, shrubs, and bushes, illegal dumping, and rodent and
6 vermin activity. Such neglect devalues properties and causes deterioration in neighborhoods and
7 industrial and commercial areas.

8 The Legislature finds that the biggest risk that blighted properties, particularly vacant or
9 abandoned properties, present is to the safety of the community. Blighted properties, especially
10 properties with vacant buildings and or structures, create a haven for crime. In many instances
11 the property becomes a tool that exposes our youth to criminal activity in one form or another.

1 The hazard presented by blighted properties is compounded by the fact that many of our
2 youth today, from as young as five (5) years old, walk to get to bus stops, schools, stores, and
3 family compounds. Our children are placed in unnecessary risks because blighted properties
4 exist within our neighborhoods.

5 Many states have proposed and adopted legislation to combat similar issues. Arizona,
6 Connecticut, Georgia, Hawaii, Illinois, Indiana, Kentucky, Maryland, Minnesota, Nevada, New
7 Jersey, Oregon, and Rhode Island have passed bills in one or both houses to address the lack of
8 accountability and responsibility for blighted property. Officials report that, although blighted,
9 vacant, and abandoned properties remain an issue within their communities, the negative effects
10 are being greatly reduced as property owners begin to understand the consequences of non-
11 compliance.

12 The Legislature finds that, for the protection of our neighborhoods and communities,
13 homes, residences, and buildings that are abandoned must and should be maintained. Their
14 maintenance and upkeep is vital to sustaining the property value and safety of the community.

15 It is the intent of this Act to address blighted properties that are having a negative impact
16 on surrounding properties and neighborhoods. They detract from the quality of life, as well as
17 the economic opportunities, of those living around them. These types of conditions lower the
18 livability of neighborhoods and can increase crime and calls for emergency services, all of which
19 put additional strains on already taxed local budgets.

20 **Section2. Enactment.** Subject to proper codification by the Commonwealth Law
21 Revision the following new provision is hereby enacted:

1 “101. Short Title. This Act shall be known as “*Nuisance Abatement and*
2 *Blighted Property Maintenance Act of 2018.*”

3 “102. Applicability.

4 “(a) This Chapter shall apply to every building, public or private inclusive
5 and portion thereof, and appurtenance thereto, and the premises on which it is
6 situated, used or intended to be used, whether for commercial, business,
7 institutional, industrial, multi-family or residential.

8 “(b) This Chapter will also apply to any improved or unimproved lot or
9 tract of land, notwithstanding its use, along primary roads, tourist and industrial
10 areas, within the island of Saipan.

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

15 “(d) This Chapter establishes certain minimum standards for the initial
16 and continued occupancy, use and maintenance of all commercial, business,
17 institutional, industrial, multi-family and single family residential buildings and
18 structures and does not replace or modify standards, such as the Building or Fire
19 Code, otherwise established for the construction, repair, alteration or use of such
20 buildings and structures, the premises, or the equipment or facilities maintained
21 in the buildings or structures or on the premises. Where a provision of this

1 Chapter is found to be in conflict with another applicable code or regulation, the
2 provision that establishes the higher standard shall prevail.

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

7 “**103. Saving Clause.** This Code shall not affect violations of any other
8 regulation of the Commonwealth existing prior to its adoption. The violations shall
9 continue to be punishable to the full extent of the law under the provisions of those
10 ordinances, codes or regulations in effect at the time the violation was committed. “

11 “**104. Authority to interpret; and to make, alter and repeal rules.** The
12 Administrator is authorized to interpret this Chapter and to make, alter and repeal rules
13 and regulations in conformity to this Chapter to implement the requirements hereof,
14 subject to the appeal process specified herein. All regulations, rules and interpretations
15 shall be in writing and promulgated or otherwise noticed in accordance with the
16 Commonwealth Administrative Procedure Act, 1 CMC §§ 9101-9115.”

17 “**105. Definitions.** For the purposes of this section:

18 “(a) *Abandoned vehicle* means a vehicle that does not bear a license plate,
19 or is unregistered and incapable of moving under its own power.

20 “(b) *Administrator* means the Zoning Administrator authorized by
21 2 CMC § 7222.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21

“(c) *Alter or alteration* means a change or modification in construction or occupancy.

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

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

“(f) *Deterioration* shall mean the condition or appearance of a building or structure, characterized by holes, breaks, rot, crumbling, cracking, spalling, peeling, rusting, or other evidence of physical decay or neglect, excessive use, or lack of maintenance.

“(g) *Dwelling* means a building or mobile home which is wholly or partly used or intended to be used for living or sleeping by human occupants, whether or not the building is actually occupied or vacant; provided, that temporary housing, as defined in this Section shall not be regarded as a dwelling.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21

“(h) *Existing building* means a building, apartment house or rooming house, irrespective of when the building was constructed, altered or repaired.

“(i) *Exposed to public view* shall mean any premises, or open space, or any part thereof, or any building or structure that may be lawfully viewed by any member of the public from a sidewalk, street, alleyway, or from any adjoining or neighboring premises.

“(j) *Exterior premises* shall mean those portions of a building or structure that are exposed to public view, and the open space of any premises outside of any building or structure erected thereon.

“(k) *Extermination* means the control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating or trapping; or by using another recognized and legal pest elimination methods approved by the Chief.

“(l) *Good state of repair* shall mean and be a standard of maintenance that renders a building safe, serviceable, habitable, and possessed of a neat and orderly appearance.

“(m) *Good working condition* shall mean the item is fully operable for the use for which it was intended.

“(n) *Habitable room* means a room or enclosed floor space used or intended to be used for living, sleeping, cooking or eating purposes, excluding

1 bathrooms, water closet compartments, laundries, pantries, foyers or
2 communicating corridors, closets and storage space.

3 “(o) *Historic landmark* means a specific object, site or building
4 designated as historic by law.

5 “(p) *Infestation* means the presence, within or around a dwelling, of
6 insects, rodents or other pests.

7 “(q) *Inner court* means an open unoccupied space bounded by the walls
8 of the building, but located within the exterior walls of the building.

9 “(r) *Inoperable* when referring to a vehicle means incapable of being
10 immediately driven, moved or pulled in the manner for which it was intended or
11 designed.

12 “(s) *Junk vehicle* means an inoperable vehicle.

13 “(t) *Junk vehicle removal* means to physically remove a junk vehicle from
14 private or public property.

15 “(u) *Multifamily residential building or structure* shall mean a residential
16 building or structure not used, or intended to be used, as a single-family residence.

17 “(v) **Owner** means:

18 “(1) The holder of the title in fee simple, whether a single person,
19 a group of persons or one or more companies, associations, or

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

21 “(i) Has legal title to a dwelling unit, with or without
22 accompanying actual possession thereof.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

“(ii) Has charge, care or control of a dwelling or dwelling unit, as owner or as personal representative, administrator, trustee, guardian of the estate of the owner, mortgagee or vendee in possession, assignee of rents, lessce or other person, firm or corporation in control of a building.

“(iii) The duly authorized agent of any of the foregoing.

“(iv) Has a leasehold interest of twenty-five (25) years or more in total.

“(w) *Physical value* means the actual cost of replacement of a building or structure with similar materials erected in a manner similar to the original construction.

“(x) *Premises* shall mean building, structure and the grounds thereon situated.

“(y) *Repair* means the replacement of existing work, in a workmanlike manner, with the same kind of material used in the existing work, not including additional work that would:

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

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

“(3) Be in violation of the law.

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

“(a) *Required* means required by some provision of the law.

1 “(b) *Structure* means that which is built or constructed, an edifice or
2 building of any kind or a piece of work artificially built up or composed of parts joined
3 together in some definite manner.

4 “(c) *Substandard dwelling or structure* means a dwelling, dwelling unit,
5 multiple dwelling, apartment, apartment house or another space used or intended
6 to be used as a habitable living space in a building or structure which does not
7 meet the basic minimum requirements of this Chapter for the use.

8 “(d) *Vehicle* when used in this Chapter means a motor vehicle, travel
9 trailer, and other vehicles required by the state to be licensed, which also includes
10 buses, mopeds, motorcycles, trucks, semi-tractors and/or trailers, go-carts, golf
11 carts, and campers. This definition shall not include mobile or manufactured
12 homes.”

13 **“106. Conditions prohibited and declared public nuisances.** The following
14 described conditions occurring or being upon any lot, tract or parcel of land, or
15 contiguous swales, improved or unimproved, within fifty (50) feet of any improved
16 property on which there exists a building, structure or other premises occupied by people
17 within the island of Saipan, or on any lot or parcel of land irrespective of its distance
18 from any structure when the Administrator determines, on a case by case basis, to the
19 extent and in the manner that the lot, tract or parcel of land is or may reasonably become
20 infested or inhabited by rodents, vermin or animals, or may furnish a breeding place for
21 mosquitoes, or threatens or endangers the public health, safety or welfare, or may

1 reasonably cause disease, are each hereby prohibited and declared to be a public
2 nuisance:

3 “(a) An unsecured vacant building or dwelling, including abandoned
4 buildings, unfinished buildings where construction has ceased for over six (6)
5 months and any other unsecured vacant building;

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

10 “(c) Accumulated garbage, trash, rubbish or debris;

11 “(d) Junk or abandoned vehicles, or any vehicle which:

12 “(1) Threatens or endangers public safety or welfare;

13 “(2) Creates a blighting influence upon the neighborhood where
14 the vehicle rests; or

15 “(3) Is, or may reasonably become infested or inhabited by
16 rodents, vermin or animals, or may furnish a breeding place for rodents,
17 vermin or animals.

18 “As it relates to bona fide automobile repair facilities existing as of the effective
19 date of this legislation, such establishments shall be allowed to maintain outside
20 storage of junk or abandoned vehicles for a period of six (6) months from the
21 effective date of this legislation. After the expiration of this time period, all junk

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

and/or abandoned vehicles must be removed, or stored in a completely enclosed building;

“(e) Nuisance vegetation which exceeds a height of (fifteen) 15 inches over the majority of the parcel or untended growth or weeds, grass, underbrush or undergrowth, or other noxious vegetation (but not including trees, plants or other vegetation protected by law), or nuisance vegetation that impairs visibility along public roadways in a manner that impedes traffic safety or is a fire hazard;

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

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

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

“107. Junk and abandoned vehicle parking or storage prohibited. No person in charge or control of any property within the island of Saipan shall allow any junk or abandoned vehicle to remain on any private or public property within the island of Saipan

1 longer than sixty (60) days; and no person shall leave any such vehicle on any property
2 within the island of Saipan for a longer time than sixty (60) days; except that this article
3 shall not apply to a vehicle on the premises of a business enterprise currently licensed
4 and operated in a lawful place and manner to repair vehicles. Junk and abandoned
5 vehicles remaining on property beyond the time limits specified in this section shall be
6 deemed to have no monetary value greater than the cost of removal by the
7 Commonwealth or by a private contractor and recycled or otherwise disposed of in
8 accordance with law.”

9 **“108. Basic Maintenance.**

10 “(a) *Residential.* All exterior property areas shall be maintained in a clean
11 and sanitary condition, free from any accumulation of trash, rubbish, garbage or
12 other refuse. The premises of residential property shall not be used for open
13 storage of such items as stoves, glass, building material, building rubbish, junk
14 vehicles, or junk or derelict property. It shall also be the duty and responsibility
15 of every owner or occupant, as applicable, to remove dead trees from the
16 premises.

17 “(b) *Commercial.* The exterior property areas of properties regulated by
18 this Chapter shall be kept free of all nuisances, and any hazards to the safety of
19 occupants, customers, pedestrians and other persons utilizing the premises, and
20 free of unsanitary conditions, and any of the foregoing shall be promptly removed
21 and abated by the owner or operator. It shall be the duty of the owner or operator

1 to keep the premises free of hazards which include but are not limited to the
2 following:

3 “(1) Brush, weeds, broken glass and accumulations of filth,
4 garbage, trash, refuse, debris and inoperative machinery;

5 “(2) Dead and dying trees and limbs;

6 “(3) Loose and overhanging objects which, by reason of location
7 above ground level, constitute a danger of falling on persons or personal
8 property in the vicinity thereof;

9 “(4) Holes, excavations, breaks, projections, obstructions, and
10 excretions of pets and other animals on walks, driveways, parking lots and
11 parking areas, and other parts of the premises which are accessible to or
12 used by persons on the premises;

13 “(5) Sources of infestation by insects or rodents;

14 “(6) Existing walkways and steps of concrete or other suitable
15 paving materials shall be provided and maintained in safe condition for
16 access; and

17 “(7) No portion of a public sidewalk, alley or street shall be
18 obstructed by any means or used for the storage or display of goods,
19 material or equipment so as to constitute a nuisance as defined herein and
20 in no case without authorization as necessary from Zoning, the
21 Department of Public Works, the Department of Public Lands, the
22 Department of Public Safety and/or the Department of Lands and Natural

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

Resources. Such permit shall be waived for government recognized public events.

“(c) *Exterior structure—Commercial.*

“(1) All permanent signs and billboards permitted by reason of other regulations or as lawful nonconforming use, and exposed to public view, shall be maintained in good repair. Any signs which have excessively weathered, faded, or those upon which the paint has excessively peeled or cracked, shall, with their supporting structures, be removed or, if legally allowed, put into a good state of repair. All non-operative or broken electrical signs shall be repaired, or shall, with their supporting structures, be removed.

“(2) All outdoor salvage yards shall be screened from surrounding property as required by the applicable Zoning Law in the District. Such screening shall be maintained in a good condition and free from deterioration.

“(3) Air conditioning equipment shall be equipped with proper devices for the prevention of condensate drainage upon sidewalks, other walkways or other areas. Where mechanical ventilation is used, the ventilating duct which is on the exterior wall shall not be located closer than six feet from a window located in an adjoining building.

“(4) Inflammable or combustible liquids or other materials may not be stored on the premises unless they are a type approved for storage

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21

by the fire code and then only in such quantities and in such fireproof storage containers as may be prescribed by the fire code.

“(5) Hallways shall provide adequate, safe and unobstructed circulation from offices, sales rooms, work rooms, storage rooms, and other spaces to various means of exit.

“(6) All premises shall be properly connected to electric power through safely insulated conductors.

“(7) All wiring or cables shall be properly affixed or attached to the structure and kept in a good state of repair. No loose cords or loose extension lines in excess of six (6) feet in length shall be permitted and no ceiling or wall fixture shall be used for supply and power to equipment other than that for which they are designed. Every electrical circuit in rooms containing plumbing pipes or fixtures shall be equipped with at least one ground fault interrupter receptacle.

“(8) Buildings where people work shall have a minimum of one toilet and one wash basin supplied with running water per floor available to all employees, located in an enclosed room conveniently accessible to the employees.

“(9) Buildings wherein food is served to the public shall provide sanitary facilities available to patrons in accordance with the requirements of the health code and all other Commonwealth laws.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

“(10) All toilet rooms shall be fully enclosed and with a door capable of being locked so as to provide privacy for the user.

“(11) Toilet and wash rooms shall be surfaced with water-resistant materials and floors; walls and ceilings shall be kept in a dry, clean and sanitary condition at all times.”

“109. Boarding of vacant buildings or dwellings.

“(a) It is declared unlawful and a public nuisance for any owner of any property within the island of Saipan to maintain such property or permit such property to be maintained in such manner that any one or more of the conditions described in the following subsections are found to exist:

“(1) Any vacant and unoccupied buildings of which doors, windows, or other openings are broken or missing, so as to allow access to the interior.

“(2) Any vacant and unoccupied building of which doors, windows, or other openings are secured by boarding for a period exceeding six (6) months with the exception of historic buildings that have an approved “mothball” status.

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

“(c) When a building or structure is unoccupied and is unsafe because it is vacant, unguarded and open at doors or windows, or otherwise provides access to the interior, the Administrator may approve the temporary securing of the

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

building or structure. Materials or methods for securing the building or structure shall be as follows:

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

“(2) The Administrator may approve alternatives to the above method, provided that the alternatives are equivalent to the above in strength.

Boarding may be for a period of three (3) years if approved for a mothballing certificate of appropriateness, with any extensions that may be granted through a subsequent certificate of appropriateness. Property owners of non-emergency condemned properties that are locally designated or listed on the National Register of Historic Places shall be notified of the option to mothball their building and be given sixty (60) days to respond. The Commonwealth will hold in abeyance enforcement or corrective measures until that period expires. “

“110. Orders and Notice.

“(a) Whenever the Administrator finds any one or more violations of this Chapter to exist, he/she may order the owner of the property to abate the nuisance, correct the violation and/or impose penalties. Where a public nuisance exists, the Administrator shall cause a notice of an order of abatement to be posted on the property upon which the public nuisance exists. The posted notice shall state:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

“(1) A description of the public nuisance and nature of the violation.

“(2) The time period allowed for termination or abatement of the nuisance.

“(3) The time period allowed for a written petition for an appeal to the Commonwealth Zoning Board.

“(4) That termination of the public nuisance by the Commonwealth shall result in a lien against the property or other property of the owner for the total costs of abatement, duly-assessed penalties, interest, and any other associated costs incurred by the Commonwealth.

“(5) That the Commonwealth reserves the right to proceed with an action to hold the owner of the property personally liable for the cost of correcting the offending condition, to proceed against the property in rem, or/and to place the lien on the property or on other property of the owner.

“(b) The Administrator shall serve all orders upon the owner. Mailing of the order shall be sufficient proof of service, or the order may be personally served or served by some other method recognized under the laws of the Commonwealth. For the purpose of notice requirements to a property owner, the owner shall be deemed to be the owner of record pursuant to the records of the Commonwealth Recorder’s Office. If the Administrator cannot ascertain the mailing address of the owner after making reasonable inquiries, the posted notice of the order on the property shall constitute sufficient notice to the owner, or the

1 representative thereof, and no additional notice or service shall be required for
2 any action hereunder.”

3 “**111. Hearing.** Within fifteen (15) days after the date of mailing the order, or
4 other service, including posting, as provided in Section 110, the owner of the
5 property involved shall have the right to make written appeal for a hearing before
6 the Zoning Board. Thereafter, the Board shall promptly arrange a time for the
7 hearing pursuant to the Commonwealth Administrative Procedure Act, 1 CMC
8 §§ 9101-9115.”

9 “**112. Abatement of public nuisances.** If, subsequent to the expiration of a right
10 to appeal to the Commonwealth Zoning Board under this Chapter, the owner has failed
11 to abate a nuisance upon order from the Administrator, or if the owner has failed to abate
12 the nuisance after receiving an order from the Zoning Board, the Commonwealth may
13 abate the nuisance and recoup the costs from the owner. Any costs incurred, including
14 the costs of hiring a private contractor, cost of using Commonwealth equipment and
15 personnel, administrative costs, court costs and other documented costs for the abatement
16 of the nuisance shall be itemized and charged to the owner of the property.”

17 “**113. Penalties.** The Administrator shall issue a warning notice to any violator
18 of this Act sixty (60) days except residential property owners shall have ninety (90) days
19 before any penalties are imposed. When a warning is issued and is not acted upon,
20 penalties shall begin to accrue. Each day of violation shall constitute a separate offense.
21 All fines and penalties collected pursuant to this Act shall be transmitted to the Secretary
22 of Finance for deposit in a separate ‘Property Maintenance Revolving Fund’ account

1 within the Department of Finance. This fund shall be available for use by the
2 Commonwealth Zoning Office without further appropriation. The Administrator shall
3 be the expenditure authority for the Property Maintenance Revolving Fund. The
4 Administrator shall submit to the Legislature a report of all fiscal year expenditures made
5 under the Property Maintenance Revolving Fund no later than thirty (30) days after the
6 close of each fiscal year. Provided further that the Administrator may waive any
7 penalties in cases where the owner is reasonably determined to be indigent or unable to
8 comply with this Act due to circumstances that excuse or justify the lack of compliance
9 in the reasonable discretion of the Administrator. Furthermore, the Zoning Office shall
10 promulgate rules and regulations to effectuate this Act to include the establishment of all
11 fines and penalties.”

12 **“114. Lien for costs of termination and penalties, Nuisance Abatement Lien**
13 **Record and notice.** The owner of the property upon which the public nuisance was
14 terminated shall repay the total expense, including administrative costs and interest,
15 incurred by the Commonwealth in causing a public nuisance to be terminated under this
16 Chapter. Upon recordation of the lien with the Commonwealth Recorder, the
17 Commonwealth shall have a lien upon the property on which the nuisance was abated,
18 as well as upon any other property of the owner, for the total expense or any penalties
19 imposed, after a final determination on liability and penalties in accordance with the
20 APA, 1 CMC §§ 9101-9115. The Administrator shall have a nuisance abatement lien
21 cost statement and invoice thereof prepared. The Administrator shall cause a copy of the
22 lien statement and invoice to be mailed to the owner, and a Notice of Assessment and

1 Lien to be published one time in a daily newspaper regularly published and in general
2 circulation in the Commonwealth, which notice shall show the nature of the assessment
3 and lien, the amount thereof and a legal description of the property affected thereby.”

4 **“115. Finality and priority of lien.** The lien shall be effective and final against
5 the real property upon which a nuisance has been abated and any other property of the
6 owner from the time of entry by the Commonwealth Recorder’s Office and shall take
7 priority as of the time of entry therein. Any lien granted pursuant to this Chapter shall be
8 enforceable and continue in full force for 20 years after the date the lien is recorded, or
9 discharged by payment, or stayed or terminated by the court.”

10 **“116. Payment and enforcement of lien and interest thereon.** A lien provided
11 for in this Chapter may be paid within one hundred eighty (180) days after the publication
12 of the notice of assessment and lien as provided in Section 114 without interest.
13 Thereafter, the amount of the lien, including administrative costs and cost of publication
14 of notice of assessment and lien, together with interest at the rate of six (6) percent per
15 annum commencing from the date of filing of the lien, and costs of collection, including
16 but not limited to collection agency fees, attorney’s fees and court costs, shall be a lien
17 against the property or other property of the owner. Such nuisance abatement liens shall
18 be prior in dignity to all other liens or encumbrances of any kind against the property,
19 except the liens of the Commonwealth for taxes, which shall be of equal dignity with the
20 special assessment lien for nuisance abatement. Liens may be enforced in accordance
21 with 2 CMC § 7255(a) of the Zoning Code.”

1 **“117. Appeals.**

2 “(a) Appeals from orders of the Administrator may be made within thirty
3 (30) days upon writing notice received at the Commonwealth Zoning Office and
4 shall be heard by the Commonwealth Zoning Board or its designees in accordance
5 with the APA, 1 CMC §§ 9101-9115.

6 “(b) Final decisions of the Commonwealth Zoning Board may be
7 appealed pursuant to the APA, 1 CMC §§ 9101-9115.”

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

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

1 **Section 5. Effective Date.** This Act shall not be enforced until one year after its
2 enactment. During this one (1) year period, The Zoning Board shall conduct public education
3 regarding the requirements and enforcement of the provisions of this Act.

CERTIFIED BY:



JOHN PAUL P. SABLAN
Chairman
Saipan & Northern Islands
Legislative Delegation



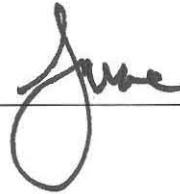
RAFAEL S. DEMAPAN
Speaker
House of Representatives



on this

14th

day of



, 2018.



RALPH DLG. TORRES
Governor

Commonwealth of the Northern Mariana Islands