

ELEVENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

PUBLIC LAW NO. 11-56

H. B. NO. 11-297, HD1

FIRST REGULAR SESSION, 1998

AN ACT

To add to 2 CMC Division 7 a new Chapter 3, the Commonwealth Fire Safety Code;
and for other purposes.

**BE IT ENACTED BY THE ELEVENTH NORTHERN MARIANAS COMMONWEALTH
LEGISLATURE:**

CHAPTER 3

The Commonwealth Fire Safety Code

Section 7301. Short Title. This Act may be cited as the "Commonwealth Fire Safety Code Act of 1998".

Article 1. General Provisions

Section 7302. Purpose. The purpose of this Act is to establish a fire safety code designed to safeguard to a reasonable degree life and property from the hazards of fire and explosions arising from storage, handling and use of hazardous substances, materials and devices, and from any conditions hazardous to life and property in the use or occupancy of any buildings and premises.

Section 7303. Definitions. All definitions pertaining to the Commonwealth Fire Safety Code not listed below are set forth in the Uniform Fire Code published by the International Conference of Building Officials and the Western Fire Chiefs Association.

- (a) "Code" refers to this Commonwealth Fire Safety Code;
- (b) "Department" means the Commonwealth's Department of Public Safety;
- (c) "Commissioner" means the Commissioner of the Department of Public Safety;
- (d) "Fire" is the combustion of material other than deliberate combustion for cooking, heating, recreation, incineration or purposes incidental to normal operation of a property;

(e) "Fire hazard" is anything or act which increases or may cause an increase of the hazard or menace of fire to a greater degree than that customarily recognized as normal by persons in the public service regularly engaged in preventing, suppressing or extinguishing fire or any thing or act which may obstruct, delay, hinder, or interfere with the operations of the fire department or the egress of occupants in the event of fire;

(f) "Fireworks" are devices designed primarily to produce visible or audible effects by combustion, deflagration or detonation, including but not limited to, firecrackers containing more than 2 grains (130 milligrams) of explosive composition, aerial shells containing more than 40 grams of pyrotechnic composition, and other display pieces which are classified as Class B or Class C by the labeling requirements of the United States Department of Transportation;

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

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

Section 7304. Applicability of the Code.

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

(b) This Chapter shall apply to existing conditions as well as conditions arising after the adoption thereof, except that conditions legally in existence at the time of the adoption of the Commonwealth Fire Safety Code and not in strict compliance therewith shall be permitted to continue only if, in the opinion of the Commissioner of Public Safety or the Commissioner's authorized representative, they do not constitute a serious hazard to life and property.

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

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

Section 7305. Authority to Modify the Code. The authority having jurisdiction (the Commissioner of Public Safety or the Commissioner's designated representative) shall have the sole authority to modify any provisions of the Commonwealth Fire Safety Code upon application in writing by the owner or authorized representative provided that "Authority Having Jurisdiction" shall first find that a special reason makes the strict letter of the Code impractical and that the modification will not lessen the fire protection requirements intended to be achieved by this Code or of any regulation adopted under the authority of this Code. All actions granting such modifications shall be recorded, disseminated to concerned signatory agencies, and officially filed in the Fire Division, Fire Prevention Section of the Department.

Article 2. Enforcement Authority

Section 7306. Powers of the Department of Public Safety, Fire Division.

(a) The Fire Division of the Department of Public Safety shall have the power and duty to control and extinguish injurious or dangerous fires and to remove that which is liable to cause such fires and to enforce all laws relating to the preventing and spreading of fires and all laws pertaining to fire control, fire hazards, and enforcement of all ordinances of the jurisdiction as set forth in the Uniform Fire Code (Article 2, Section 2.101).

(b) The officer of the Fire Division in charge at the scene of any fire shall have the full power and authority to direct the operation of extinguishment and to take the necessary precautions to prevent the spread of fires. In the course of such operations, the officer may prohibit approach to such fire or incident by any person, vehicle, vessel or thing and may remove or cause to be removed and kept away from such fire or incident any vehicle or thing and all persons not actually or usefully employed in the judgment of said officer in the extinguishing and control of such fire incident, or the preservation of property in the vicinity.

(c) Nothing in this Chapter shall be construed to limit the authority of the master or officer of any vessel on fire or in danger of fire subject to the general authority granted herein to the Fire Division to control the operations in protection of public interest within the Commonwealth.

(d) The Fire Division shall have the power and responsibility of maintaining an emergency medical and rescue service system. The Department of Public Safety shall employ emergency medical services personnel who have been certified to provide such services. The Department of Public Safety shall maintain and operate equipment necessary to convey on land and sea individuals who are actually ill, injured, incapacitated or helpless and require emergency care. The Fire Division personnel shall provide emergency medical (pre-hospital) care on the scene and enroute to any emergency care facility to the full extent of their certification by the emergency medical commission or board.

Article 3. Fire Prevention

Section 7307. Theaters.

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

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

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

(d) Admission of Fire Department. Every manager or person using such building shall at all times freely admit fire personnel from the Department's Fire Division in every building used as a theater or place of public amusement whenever necessary in the discretion of the Commissioner or the Commissioner's designated

representative for the purposes of assisting in case of fire or in enforcing the provisions of this Code.

Section 7308. Woodworking Establishments

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

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

Section 7309. Garages: Fire Equipment. Every space maintained as a garage for taxis or for commercial repairing, cleaning, upkeep, or storage of automobiles, trucks, or gasoline engines, shall maintain in good order fire equipment approved by the Commissioner or the Commissioner's designated representative by regulation shall so prescribe.

Section 7310. Prohibition. It shall be unlawful for any person to remove the gasoline tank cover of any vehicle in the vicinity of a gasoline pump while the motor of such vehicle is running.

Section 7311. Fire Hydrant Inspection. The Commissioner or the Commissioner's designated representative shall have fire hydrants inspected on a quarterly basis to ensure that they are maintained in good working order; upon discovery of any discrepancies, said representative shall immediately report same to authority having jurisdiction for corrective measures.

Section 7312. Fireworks. Fireworks are prohibited in the Commonwealth of the Northern Mariana Islands unless approved by the Governor and regulated in accordance with Article 78 of the Uniform Fire Code.

Section 7313. Violations of the Code. 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 provision of this Code. When violation of the Code has occurred, the fire safety official shall cause the violation to be corrected before issuance of occupancy certificate is permitted.

Section 7314. Penalties.

(a) Civil Penalties. Any person who violates any of the provisions of this Code or standards hereby adopted or fails to comply therewith, or who violates or fails to comply with any orders made thereunder, or shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder; or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the "Authority Having Jurisdiction" or by a court of competent jurisdiction, within the time fixed herein shall severally for each and every such violation and non-compliance, respectively, shall be civilly liable to a fine of not less than \$5,000 nor more than \$10,000. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each ten days that prohibited condition are maintained shall constitute a separate offense.

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

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

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

Section 7315. Permit Requirements. Except as exempted by this Code, any person, firm or corporation who plans to engage in activities, operations, practices or functions as set forth in the Uniform Fire Safety Code Article 4, Section 4.108 shall prior to commencement of activity, operations, practices or function obtain a permit from the Department's Fire Division, Fire Prevention Section.

(a) Conditions of Permits.

(1) Scope. A permit shall constitute permission to maintain, store, use or handle materials, or to conduct processes which produce conditions hazardous to life or property, or to install equipment used in connection with such activities. Such permission shall not be construed as authority to violate, cancel or set aside any of the provisions of this Code. Such permit shall not take the place of any license required by law.

(2) Expiration of Permit. A permit issued under this Code shall continue until revoked or for such a period of time as designated therein at the time of issuance. It shall not be transferable and any change in use, occupancy, operation or ownership shall require a new permit.

(3) Compliance. All permits issued under this Code shall be presumed to contain the provision that the applicant, his agents and employees shall carry out the proposed activity in compliance with all the requirements of this Code and any other laws or regulations applicable thereto, whether specified or not, and in complete accordance with the approved plans and specifications. Any permits which purport to sanction a violation of this Code or any applicable law or regulation shall be void and approval of plans and specifications in the issuance of such permit shall likewise be void.

(b) Application for Permit. An application for a permit required by this Code shall be made to the Department of Public Safety, Fire Division, Fire Prevention Section in such form and detail as it shall prescribe. Applications for permits shall be accompanied by such plans as required by the Fire Prevention Section.

(c) Inspection Required. Before a permit may be issued, the Commissioner or the Commissioner's authorized representative shall inspect and approve the receptacles, vehicles, buildings, devices, premises, storage spaces or areas to be used. In instances where laws or regulations are enforceable by departments other than the Department of

Public Safety, 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 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

(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 and shall be set forth in the regulations. The fee for permits may vary based on the proposed use or occupancy and values.

(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 Fire Code and standards or any other 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-E and all other related reference publications of the Uniform Fire Code, as amended, and the Uniform Fire Code standards published by the International Conference of Building Officials and the Western Fire Chief Associations, Inc..

Section 7316. 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 codes and standards, or amendments to previously adopted codes and standards covering life safety and fire protection regulations. The codes, standards and amendments shall be listed in the regulations.

(b) It shall be the responsibility of the fire officials, with the approval of the Commissioner, to recommend to the Legislature appropriate modifications to be made in the Uniform Fire Code and Standards adopted herein.

Section 7317. Severability. If any Section of this Act should be declared invalid by a court of competent jurisdiction, the remainder of this Act shall not be affected thereby.

Section 7318. Effective Date. This Act shall take effect upon its approval by the Governor or upon its becoming law without such approval.

CERTIFIED BY:

/s/ Diego T. Benavente
DIEGO T. BENAVENTE
Speaker
House of Representatives

ATTESTED BY:

/s/ Evelyn C. Fleming
EVELYN C. FLEMING
House Clerk

Approved this 1st day of February, 19989

/s/ Pedro P. Tenorio
PEDRO P. TENORIO
Governor
Commonwealth of the Northern Mariana Islands