



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Ralph DLG. Torres
Governor

Victor B. Hocog
Lieutenant Governor

28 SEP 2016

The Honorable Francisco M. Borja
Senate President, The Senate
Nineteenth Northern Marianas
Commonwealth Legislature
Saipan, MP 96950

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

Dear Mr. President and Mr. Speaker:

This is to inform you that I have signed into law Senate Bill No. 19-107, HD1, entitled, "To establish designated Fire Lanes in the Commonwealth; and for other purposes," which was passed by the Senate and the House of Representatives of the Nineteenth Northern Marianas Commonwealth Legislature.

This bill becomes **Public Law No. 19-69**. Copies bearing my signature are forwarded for your reference.

Sincerely,



RALPH DLG. TORRES
Governor

cc: Governor; Press Secretary; Attorney General's Office; Commissioner of Fire;
Zoning Administrator; Secretary of Public Works; Commissioner of Public Safety;
Special Assistant for Administration; Special Assistant for Programs and Legislative
Review; Law Revision Commission; Public Auditor



THE SENATE
Nineteenth Northern Marianas Commonwealth Legislature
P. O. Box 500129
Saipan, MP 96950

September 21, 2016

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

Dear Governor Torres:

I have the honor of transmitting herewith for your action Senate Bill No. 19-107, HD1 entitled: "To establish designated Fire Lanes in the Commonwealth; and for other purposes," which was passed by the Senate and the House of Representatives of the Nineteenth Northern Marianas Commonwealth Legislature.

Sincerely,

A handwritten signature in cursive script, appearing to read "Dolores S. Bermudes".

Dolores S. Bermudes
Senate Clerk

Attachments



THE SENATE
NINETEENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

SENATE BILL NO. 19-107, HD1

AN ACT

TO ESTABLISH DESIGNATED FIRE LANES IN THE
COMMONWEALTH; AND FOR OTHER PURPOSES.

SENATE ACTION

Offered by Senator(s): Arnold I. Palacios

Date: July 19, 2016

Referred to: None

Standing Committee Report No.: None

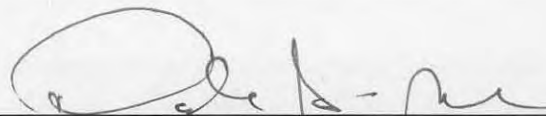
Final Reading: September 15, 2016

HOUSE ACTION

Referred to: None

Standing Committee Report No.: None

First and Final Reading: August 11, 2016


DOLORES S. BERMUDES
SENATE CLERK



THE SENATE
NINETEENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

NINETH SPECIAL SESSION, 2016

S. B. NO. 19-107, HD1

AN ACT

TO ESTABLISH DESIGNATED FIRE LANES IN THE
COMMONWEALTH; AND FOR OTHER PURPOSES.

**BE ENACTED BY THE NINETEENTH NORTHERN MARIANAS
COMMONWEALTH LEGISLATURE:**

1 **Section 1. Findings and Purposes.** The Legislature finds that during an
2 emergency event, it is very important that emergency vehicles are provided with
3 unobstructed access to the building or facility. Any obstructions can delay or even prevent
4 adequate emergency operations from proceeding. The delay could cost someone's life.

5 Fire equipment and other emergency vehicles may be required to pass one another
6 when a fire engine is parked and hooked up to a fire hydrant. This may be to respond to
7 the scene at hand or exit the site to respond to another emergency. There is no question
8 that adequate working space is required around the fire engines.

9 The Legislature finds that when a fire occurs, seconds count. Every second that a
10 fire burns, it has more chance to consume materials and cause damage. Additionally, every
11 second that a fire burns in a building, the chances of injuries or fatalities in that building go
12 up considerably. The fire crew relies on clear lanes of passage for other emergencies, such
13 as medical or law enforcement reasons.

14 The Legislature finds that to ensure a clear path for firefighters and emergency
15 personnel, it's important to establish fire lanes and keep these lanes free of clutter and
16 vehicles. If there is blockage in a fire lane and an emergency responder takes a few extra
17 seconds to respond, that's a few more chances for a fire to grow or a person to go without
18 that needed assistance and more damage to be done.

SENATE BILL NO. 19-107, HD1

1 **Section 2. Amendment.** Subject to codification by the CNMI Law Revision
2 Commission, the Commonwealth Code is hereby amended by adding the following
3 Chapter:

4 **“Chapter __. Designated Fire Lanes.**

5 **Section 101. Definition.** As used in this chapter:

6 (a) “Commissioner” means the Commissioner of the Department of Fire
7 and Emergency Medical Services.

8 (b) “Department” means the Department of Fire and Emergency Medical
9 Services.

10 (c) “Fire lane” means the unobstructed area or passageway within any
11 public right-of-way, easement or private property designated for fire trucks and
12 other firefighting or emergency equipment to use, travel upon and/or park.

13 **Section 102. Establishment.**

14 (a) Fire lanes in conformance with this chapter shall be established by the
15 Commissioner of the Department of Fire and EMS or designee, and in conjunction
16 with the building safety official in accordance with this Chapter. These lanes shall
17 be referred to as “designated fire lanes” in this chapter.

18 (b) (1) Whenever the Commissioner shall require the establishment of a
19 designated fire lane on public right-of-way or public land for the orderly access of
20 fire and other emergency equipment to the premises, the Commissioner shall
21 establish such fire lane by written order designating and describing such lane.

22 (2) For the designation of a fire lane on private property, the Commissioner
23 shall initially issue a written notice of proposed order designating and describing
24 the fire lane. The Commissioner shall cause a copy of such written notice of
25 proposed order to be delivered by certified mail to the owner, or owners, or
26 tenants/lessees thereof, of any private land on which such fire lane is established,
27 and shall cause a public announcement to be made of the establishment of such
28 lane. The proposed order shall take effect, unless the property owner(s) or
29 tenants/lessees of the affected private property file a written notice of objection to

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1 the proposed designation of a fire lane within the private property within thirty (30)
2 days after receiving the written notice of the proposed order. The filing of a written
3 notice of objection shall be pursuant to the procedures in section 103 of this
4 chapter.

5 **Section 103. Contesting Fire Lane Designation in Private Property.**

6 (a) A private property owner or tenant/lessee affected by a proposed fire
7 lane designation by the Commissioner may contest the designation by filing a
8 written notice of objection with the Department within the period set forth in
9 Section 102, and serving copies of written notice of objection on the members of
10 the appeals board established pursuant to Section 103(b).

11 (b) An appeals board is established comprised of the Zoning Administrator,
12 the Secretary of Public Works, and the Commissioner of Public Safety for each
13 respective senatorial district. The board shall issue, with at least two members
14 concurring, a determination and order on the Commissioner's proposed fire lane
15 designation and shall take effect after hearings are conducted pursuant to 1 CMC
16 §§ 9109 and 9110. The board may affirm, modify, or reject the proposed fire lane
17 designation and must set forth in a written order the reason(s) for its decision.

18 (c) Publication of Fire Lane Designations Orders. The Commissioner shall
19 cause all final orders and determination on the designation of fire lanes on public
20 and private lands to be published in the Commonwealth Register in the month
21 following its issuance.

22 **Section 104. Penalty for Violations.**

23 Any person who fails to mark or maintain the marking of a designated fire
24 lane as prescribed in this chapter, or who parks a vehicle in, allows the parking of a
25 vehicle in, obstructs or allows the obstruction of a designated fire lane is guilty of
26 an infraction. The maximum penalty for failing to mark or maintain the marking of
27 a designated fire lane shall be not more than a fine of \$150.00 per offense. The
28 maximum penalty for parking a vehicle in, allowing the parking of a vehicle in,
29 obstructing, or allowing the obstruction of a designated fire lane, shall be not more

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1 than a fine of \$150.00 per offense. Each day or part of a day during which the
2 unlawful act or violation occurs shall constitute a separate offense.

3 **Section 105. Impoundment.**

4 Any vehicle or object obstructing a designated fire lane is hereby declared a
5 traffic and fire hazard and may be immediately towed and impounded, without
6 prior notification to its owner. The owner shall be held responsible for all towing
7 and impound fees.

8 **Section 106. Marking.**

9 All designated fire lanes shall be clearly marked in one of the following
10 manners:

11 (a) Vertical curbs shall be painted red on the top and side, extending the
12 length of the designated fire lane. The pavement adjacent to the painted curbs shall
13 be marked with block lettering a minimum of 5 inches in height and with a three-
14 inch brush stroke reading: "No Parking – Fire Lane." Lettering shall be white and
15 spaced at no more than 20-foot intervals.

16 (b) Rolled curbs or surface without curbs shall have a red six-inch-wide
17 stripe painted extending the length of the designated fire lane. The surface adjacent
18 to the strip shall be marked with block lettering a minimum of 6 inches in height
19 and with a minimum three-inch brush stroke reading: "No Parking – Fire Lane."
20 Lettering shall be in yellow and spaced at no more than 20-foot intervals.

21 (c) Fire lane signs which shall be as follows:

22 (1) Reflective in nature.

23 (2) Use red letters on white background.

24 (3) Use three-inch lettering, to read "No Parking – Fire Lane."

25 (4) A minimum of 12 inches wide by 18 inches tall.

26 (5) Spaced no more than 50 feet apart and posted on or immediately
27 next to the curb or side of the road.

28 (6) Top of the sign to be not less than four feet nor more than six
29 feet from the ground.

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(7) Signs may be placed on a building when approved by the Commissioner.

(8) When posts are required for signs, they shall be a minimum of two-inch galvanized steel or four-inch by four-inch pressure treated wood.

(9) Signs are to be placed so they face the direction of vehicular travel.

Section 107. Obstruction Prohibited.

The obstruction of a designated fire lane by a parked vehicle or any other object is prohibited and shall constitute a traffic and fire hazard and is considered an immediate hazard to life and property.

Section 108. Exemption to sign, marking requirements.

(a) Signs posted prior to the enactment of this Act, will be allowed to remain until there is a need for replacement. When replaced, the new sign must then meet the requirements set forth in this chapter.

(b) Markings will be allowed to remain until there is a need for repainting. When repainted, the new markings must then meet the requirements as set forth in this chapter.

Section 109. Maintenance.

The fire lane markings shall be maintained at the expense of the public or private property owner, and as often as is deemed necessary to clearly identify the designated area as a fire lane. If there is no public property owner of a designated fire lane, the Commissioner shall maintain the designated fire lane using the funds from the Fire Lane Revolving Fund. The Commissioner shall notify in writing the property owner if the fire lane markings on private property need to be maintained.

Section 110. Towing Notification.

At each entrance to property where fire lanes have been designated, signs shall be posted as set forth in this chapter, in a clear, conspicuous location and shall clearly state "Vehicles parked in Fire Lanes shall be towed and impounded." They

1 shall also state the name, telephone number and address of the towing company
2 where the vehicle may be redeemed.

3 **Section 111. Enforcement.**

4 (a) A police officer from the Department of Public Safety or a Firefighter
5 from the Department of Fire and EMS shall immediately remove, or cause the
6 removal of, a vehicle in violation of any provision in this chapter.

7 (b) A police officer or firefighter shall issue a citation to the registered
8 owner of the vehicle for a violation of this chapter.

9 **Section 112. Regulations.**

10 The enforcement of this chapter shall not commence until the
11 Commissioner of Fire and EMS has promulgated reasonably necessary regulations
12 for the removing, towing, impoundment, storage, release of vehicles in violation of
13 this chapter; the regulations may include reasonable administrative fees to
14 implement the regulations.

15 **Section 113. Fire Lane Revolving Fund.**

16 There is hereby establishes a Fire Lane Revolving Fund separate and apart
17 of the General Fund. The fines and fees collected pursuant to this chapter and any
18 regulations promulgated by the Commissioner shall be deposited in the Fire Lane
19 Revolving Fund; the funds shall be used for the purpose of establishing and
20 maintaining fire lanes, the enforcement of this chapter and all operations and
21 training of the Department of Fire and Emergency Medical Services. The funds
22 shall not lapse and shall be available without fiscal year limitation. The
23 Commissioner shall be the expenditure authority of the Fire Lane Revolving Fund.”

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

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

8 **Section 5. Effective Date.** This Act shall take effect upon its approval by the
9 Governor, or it becoming law without such approval.

CERTIFIED BY:




FRANCISCO M. BORJA
PRESIDENT OF THE SENATE

ATTESTED BY:



TERESITA A. SANTOS
SENATE LEGISLATIVE SECRETARY

Approved this *28th* day of *September*, 2016



RALPH DLG. TORRES
Governor
Commonwealth of the Northern Mariana Islands