



COMMONWEALTH ZONING BOARD ZONING OFFICE

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PUBLIC NOTICE OF CERTIFICATION AND ADOPTION OF REGULATIONS OF The Commonwealth Zoning Board

PRIOR PUBLICATION IN THE COMMONWEALTH REGISTER
AS PROPOSED REGULATIONS
Volume 46, Number 07, pp 051190 to 051206, of July 17, 2024

ACTION TO ADOPT PROPOSED REGULATIONS: The Commonwealth of the Northern Mariana Islands, Commonwealth Zoning Board, HEREBY ADOPTS AS PERMANENT regulations the Proposed Regulations which were published in the Commonwealth Register at the above-referenced pages, pursuant to the procedures of the Administrative Procedure Act, 1 CMC § 9104(a). The Zoning Board announced that it intended to adopt them as permanent, and now does so.

I also certify by signature below that: as published, adopted regulations are a true, complete and correct copy of the referenced Proposed Zoning Regulations, and that they are being adopted with modification or amendment.

MODIFICATIONS FROM PROPOSED REGULATIONS: Attached

AUTHORITY: The Zoning Administrator has authority to interpret and to make, alter and repeal rules and regulations regarding the Nuisance Abatement and Blighted Property Maintenance Act of 2018. SLL 20-25, section 104 in accordance with the Commonwealth Administrative Procedure Act, 1 CMC §§ 9101 – 9115.

EFFECTIVE DATE: Pursuant to the APA, 1 CMC sec. 9105(b), these adopted regulations are effective 10 days after compliance with the APA, 1 CMC §§ 9102 and 9104(a) or (b), which, in this instance, is 10 days after this publication in the Commonwealth Register.

COMMENTS AND AGENCY CONCISE STATEMENT: Pursuant to the APA, 1 CMC sec. 9104(a)(2), the agency has considered fully all written and oral submissions respecting the proposed regulations. Upon this adoption of the regulations, the agency, if requested to do so by an interested person, either prior to adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption, incorporating therein its reasons for overruling the considerations urged against its adoption. Please see the following pages for this agency’s concise statement, if there are any, in response to filed comments.

ATTORNEY GENERAL APPROVAL: The adopted regulations were approved for promulgation by the Attorney General in the above-cited pages of the Commonwealth Register, pursuant to 1 CMC sec. 2153(e) (To review and approve, as to form and legal sufficiency, all rules and regulations to be promulgated by any department, agency or instrumentality of the Commonwealth government, including public corporations, except as otherwise provided by law).

I DECLARE under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the 10th day of September, 2024, at Saipan, Commonwealth of the Northern Mariana Islands.

Certified and ordered by:



Therese T. Ogumoro,
Zoning Administrator

09.11.24

Date

Pursuant to 1 CMC § 2153(e) (AG approval of regulations to be promulgated as to form) and 1 CMC § 9104(a)(3) (obtain AG approval) the certified final regulations, modified as indicated above from the cited proposed regulations, have been reviewed and approved as to form and legal sufficiency by the CNMI Attorney General, and shall be published (1 CMC § 2153(f) (publication of rules and regulations)).

Dated the 12 day of September, 2024.



EDWARD MANIBUSAN
Attorney General

Filed and
Recorded by:



ESTHER RUTH M. SAN NICOLAS
Commonwealth Registrar

09.12.2024

Date

Nuisance Abatement and Blighted Property Maintenance Act of 2018 (SLL 20-25)

REGULATIONS

§165-30.1-700 Purpose

The regulations in this part provide for and impose conditions upon the issuance of notices for the violations of conditions in the Nuisance Abatement and Blighted Properties Maintenance Act of 2018. The existence of abandoned and significantly dilapidated, damaged, unrepaired, unmaintained, and unattended structures with nuisance surroundings can adversely impact the property values and safety of abutting properties and the immediate neighborhood or the entire community. These blighted properties can threaten the health, safety, and welfare of residents and business operations and cause hundreds of thousands, even millions, of dollars in property damages or losses.

The regulations in this part are additives and supplement the other regulations and provisions in this title and the Saipan Zoning Law. In the event of any conflict with any other provision of law or regulation, the more restrictive provision shall prevail.

§165-30.1-701 Definitions

When used in the regulations in this subchapter, the following terms shall have the respective meanings:

- (a) “Abandoned vehicle” means a vehicle that does not bear a license plate, or is unregistered and incapable of moving under its own power.
- (b) “Abate” or “Abatement” means the act of eliminating or nullifying.
- (c) “Administrator” means the Zoning Administrator as provided in 2 CMC § 7222
- (d) “Blight, blighting influence or blighting factor” mean either: that which endangers life or property by fire, vermin, disease vectors, 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) “Compliance Plan” means a plan of action from the property owner and/or violator in addressing the Notice to Abate.

- (f) “Enforcement Division” or “enforcement division” refers to section within Zoning and/or Zoning personnel who conduct inspections and enforcement activities.
- (g) “Indigent”¹ shall be defined as the following:
 - (i) One who suffers from extreme poverty; being unable to afford the basic necessities of a normal life.
 - (ii) One who is extremely poor; either from having no money or being in bad health.
 - (iii) One who lacks necessities of life because of poverty; needy; poor; impoverished. Or,
 - (iv) Those for whom medical bills would threaten the household financial viability. *Qualifying as a medically indigent patient does not require qualification as financially indigent.*
 - (v) *One who, at the time need is determined, does not have sufficient assets, credit, or other means to provide for payment of enforcement violation penalties and fines associated with the Act and all other necessary expenses of representation without depriving the person or his dependents of food, shelter or clothing, and who has not disposed of any assets with the intent of establishing eligibility for indigent representation.*
- (h) “Inspection warrant” means a warrant for Zoning to enter the property to inspect and/or determine compliance after there is probable cause that a violation of this Act exists on the property.
- (i) “Thoroughfare” refers to any roadway where vehicles travel at speeds greater than 30 miles per hour, including, but not limited to, Beach Road, Middle Road (Chalan Pale Arnold), Isa Drive, Chalan Monsignor Guerrero, Chalan Monsignor Martinez, Tomas Sablan Road, Koblerville Road, Dandan Road, Kagman Road, and As Perdido Road. See NMIAC § 155-20.1-005(e).
- (j) “Minor violation” means as explained in **§165-30.1-705. Enforcement Process**
- (k) “Non-Residential” means commercial or industrial use, government use, or any use that is not a single-family dwelling. This includes apartments, duplexes, townhouses, public parks, farms, agriculture, places of worship, social halls, or temporary debris staging areas.

¹ U.S. Health & Human Services Federal Poverty guidelines may be used to determine eligibility for indigent relief.

- (l) “Nuisance” means a thing, circumstance, or person causing inconvenience or annoyance. An act, condition, or thing that is illegal because it interferes with the rights of the public and private citizens. See SLL 20-25 § 106 (*expanding nuisance definition to prohibited conditions and public nuisances*).
- (m) “Owner” means holder of the property title in fee simple, as well as person or persons with legal title to a dwelling unit, control of the premises, including banks, authorized agents and lessees who have responsibility for the maintenance and condition of the property, or any lessee with a leasehold interest or has a leasehold interest of twenty-five (25) years or more. See 10 CMC § 30505(v); SLL 20-25 § 105.
- (n) “Property” means a structure, land, premise, or vehicle of any type, e.g., heavy equipment, motor vehicle, motorbikes, boats, water vessels.
- (o) “Public nuisance” means any unsafe or unsanitary condition which endangers the public health, welfare or safety of the community as described in 10 CMC § 30506.. Some examples enumerated in the law include: abandoned buildings and vehicles, accumulated garbage or debris, overgrown vegetation, and man-made pools that produce breeding places for disease vectors. See SLL 20-25 § 106.
- (p) “Public property” means government property, which include buildings, parks, open space, gardens, vehicles.
- (q) “Residential” means single-family dwellings.
- (r) “the Act” means the Nuisance Abatement and Blighted Property Maintenance Act of 2018, as set forth in Saipan Local Law No. 20-25 and as codified at 10 CMC §§ 30501-30517.
- (s) “Zoning Board” or “Board” means the Commonwealth Zoning Board as provided in 2 CMC § 7221

§165-30.1-702 Orders and Notice

Whenever the Administrator finds any violation of the Act, the Administrator may order the owner of the property to abate the nuisance, correct the violation and/or impose penalties.

- (a) The Zoning Administrator shall post a Notice of an Order of Abatement or Notice to Abate (“Notice”) on the premises where the public nuisance or violation exists.

- (b) The Notice shall have a description of the public nuisance and nature of the violation. The Notice shall include the time period allowed for termination or abatement of the nuisance. The Notice shall also include the time period allowed for a written petition for an appeal to the Zoning Board. The Notice shall also inform the property owner that the termination of the public nuisance by the Commonwealth shall result in a lien against the property for various costs in accordance with the law. Finally, the Notice shall inform the property owner that the Commonwealth reserves the right to hold the owner of the property or leasehold interest personally liable for the costs of correcting the offending condition(s). See SLL 20-25 § 110.
- (c) The Administrator shall serve all orders on the property owner. Mailing of the order shall be sufficient proof of service, or the order may be personally served or served by some other method, such as electronic notice, recognized under the laws of the Commonwealth (e.g. 10 CMC § 30510). If the Administrator cannot ascertain the mailing address of the owner after making reasonable inquiries, or otherwise provide actual notice after making reasonable inquiries, the posted notice of the order on the property shall constitute sufficient notice to the owner, or the representative thereof, and no additional notice or service shall be required for any action hereunder."

§165-30.1-703 Hearing on Order to Abate Nuisance

- (a) Upon receiving an Order to Abate Nuisance, the property owner has a right to make a written appeal for a hearing before the Zoning Board.
- (b) The property owner must exercise his or her appeal rights within thirty (30) days after the date of mailing the Order of Abatement or Notice to Abate, the date of posting, or the date that he or she is served with the order.² Service can be made upon the property owner through methods recognized by Commonwealth law.
- (c) An appeal to the Zoning Board shall conform to the appeal process as set forth in NMIAC § 165-30.1-711 and in accordance with the Commonwealth Administrative Procedure Act, 1 CMC §§ 9101-9115.

§165-30.1-704 Historical Buildings

- (a) A property owner may apply for a "mothballing certificate" for any historical structure that would otherwise be considered blighted or a nuisance under the Act by submitting an application, as provided by the Administrator, to the Zoning Office.

² Although SLL 20-25 law provides for fifteen (15) days, the regulations provide property owners with thirty (30) days to appeal. See NMIAC § 165-30.1-711.

- (b) The Administrator may grant a mothballing certificate for a term of one (1) year, with an option for an extension. A property owner shall submit in writing a justification to extend an authorization for mothballing no later than thirty (30) consecutive days before the expiration of an authorization. Failure to do so shall subject the property owner for payment of the applicable standard penalty fees set forth in these regulations.
- (c) Payment of the applicable penalty fee by the property owner shall in no way relieve the property owner from complying with the Act and these regulations. Additional penalties may be assessed which the property owner shall be liable for payment.
- (d) After such time, owners shall comply with all procedures to maintain the property as required by the Act and these regulations.

§165-30.1-705 Enforcement Process

- (a) Issuance of a Notice of Violation. When the enforcement division observes a blighted property or a property deemed a public nuisance pursuant to 10 CMC §30506, the Administrator shall issue a written violation notice to the property owner in accordance with Subsection 702 of these regulations.
- (b) Enforcement Priorities. While all violations are subject to enforcement for compliance, the Zoning Office’s enforcement division’s resources will be allocated in the following order of importance, but by no means excluding other areas or zoning districts:
 - (i) Properties within a 300 foot radius of a school, playground, or daycare (radius measured from the approximate center of the property on which the school campus is situated)
 - (ii) Properties within view of tourist concentrated areas including without limitation, the Beach Road, Tourist Resort, Garapan East, and Garapan Core zoning districts or tourist sites including, but not limited to, historical landmarks.
 - (iii) Properties within sight of thoroughfares.
 - (iv) Properties within villages in Saipan where it could be observed by a reasonable person that blight or nuisance exists.
- (c) Types of Violations
 - (1) Minor Violation

- a. **Courtesy Notice.** Any member of the public may report minor property violation, e.g., nuisance, abandoned property, unmaintained property, etc., by calling or writing to the Zoning Office, and providing sufficient description of the violation, location of the violation, and any other information available. The Zoning Enforcement may submit a report of minor violation upon finding the violation on its own to the Administrator.

Upon receipt of a report of a minor violation, the Zoning Enforcement may conduct an onsite inspection for verification purposes. The Administrator shall prepare a written Courtesy Notice and shall cause the Courtesy Notice to be served in person to the owner of the property, or if the owner cannot be located, by posting the Courtesy Notice onsite or by other means of delivery. Posting of the Courtesy Notice onsite shall be deemed delivered to the property owner. The Courtesy Notice must describe the alleged violation.

Upon the date of receipt of the Courtesy Notice by the property owner or from the date of posting onsite, the property owner shall have time to respond. A residential property owner shall have not more than thirty (30) days from the date of receipt of the Courtesy Notice or from the date of posting onsite to respond in writing and delivering same to the Administrator. Within the thirty-day period to respond in writing, the property owner may certify that the violations are unfounded or have been corrected by returning a Property Owner Certification form (available at the Office of Zoning) with current color photographs of the property.

By signing the Owner Certification form, the property owner agrees to maintain the property in compliance with these regulations and the Act at all times without additional notices. If another complaint is received from a member of the public or upon the finding of such by the Zoning Enforcement regarding the same or similar violation and the Zoning Enforcement has verified the complaint by conducting an onsite inspection, the Administrator shall issue a Notice of Violation in accordance with subsection 2 below. Such notice of violation shall include an assessment of fines as provided in **NMIAC § 165-30.1-715** of these regulations.

(2) **Violations other than minor violations**

- (a) **Notice of Violation.** After Zoning Enforcement has inspected and verified a violation in fact, the Administrator shall issue an Order to Abate (“Order to Abate” or “Notice”) to the property owner. The Notice shall include a description of each of the violations and must state with clarity the corrections the property owner must undertake and the timeline to complete the corrections. The Notice shall be posted on the property subject to the notice of violation and shall advise the property owner to contact the Administrator to discuss the violations and the necessary steps to abate the violations. The residential or commercial property owner shall have no more than thirty days (30) to contact the Administrator.

The Administrator shall notify the property owner in writing that the applicable fines will be imposed as set forth in these regulations. The property owner shall be responsible for paying fines accruing from the date of notice by the Administrator, and the fines shall continue to accrue until the property owner has corrected the violations and the Administrator has certified in writing that the violations have been corrected in full.

If the Administrator fails to hear from the property owner after notice of violation has been served on the property owner or the posting of the notice onsite and it becomes clear that the property owner had failed to correct the violations noted within the deadline for compliance, the Administrator may proceed to contract a private company to correct the noted violations and for the maintenance and security of the property (which may require obtaining an Inspection Warrant). After the property in question has been cleaned, maintained, and secured, the Administrator shall notify the property owner in writing that the noted violations have been corrected and that the property owner must pay the cost incurred by the Administrator to clean, maintain, and secure the property in question. The Administrator shall itemize the cost incurred and paid by the Administrator and deliver same to the property owner with a written demand to settle the charges no later than one hundred eighty (180) days from the date of the written notice. The Administrator shall provide actual invoices and payment receipts to the property owner. Property that has been cleaned and improved by the Zoning Office or the Commonwealth government must be identified with a posting "Cleaned by Zoning" which posting must display the date and contact information to report blight and erected on the property in question.

- (b) Notice of Repeat Violation. When the same or similar violation has been verified within 24 months with respect to the same property, the property owner will immediately be issued an Order to Abate. Penalties and fines will be assessed and issued as provided in these regulations. The property owner will be allowed ten (10) days to correct the violation(s) on the same property. If the violations are not corrected within the ten-day period, a re-inspection notice will be issued (unless the issue is blight and Zoning Enforcement exercises its power to contract for property maintenance in which case Zoning will post the property as blighted and proceed with maintenance contracting). Non-compliance will accrue additional fines. A Compliance Plan shall be required. The Compliance Plan must be approved by the Zoning Administrator. Non-compliance will accrue fee assessments.

§165-30.1-706 Foreclosed and Vacant Properties

Unsecured, blighted properties are an attractive nuisance for trespassers and illegal dumping. Banks and other lenders are responsible for maintaining properties while in foreclosure and must post property management contact information in the front window of the property or at any location on the property where it will be conspicuous to the public. Banks and other lenders responsible for foreclosed and vacant properties are also subject to these regulations

as well as penalties and fines. The property must remain clear of trash and debris and must be secured.

§ 165-30.1-707 Blighted Property Database

The Zoning Office may create a database to keep and maintain the records of blighted properties. The database may also include historical properties. This database may be updated at least every six months.

§165-30.1-708 Reporting Suspected Violations

Any resident or member of the public may report a suspected violation of this law. Written complaints shall be submitted on a form prescribed by the Administrator. In the absence of a written complaint, Zoning may inspect and initiate an investigation of a possible violation of this Act. A report of a suspected violation may trigger a request for an inspection warrant.

§165-30.1-709 Requests for Extension

A request for extension of the time period established for abatement shall be submitted to the Administrator in writing no later than fifteen (15) days before expiration. The Administrator may approve or disapprove the request and must notify the requestor in writing of the decision no later than fifteen (15) days from receipt of the request. In the event a written request for extension is not delivered and received by the Administrator within the fifteen (15) days after notice is issued to abate, the Order to Abate remains in effect and the property owner must comply within the stated deadline to abate. These 15-day deadline periods shall be based on calendar days, excluding holidays and weekends.

A request for an extension after the lapse of the deadline will be considered subject to the requestor providing the Administrator in writing the reason for missing the deadline to request. The Administrator shall have the discretion to request from the requestor any information necessary for the Administrator to make an informed decision whether to grant an extension, which discretion will be granted sparingly. Any extension to be granted by the Administrator shall not exceed ninety (90) consecutive days from the date the extension is granted in writing.

§165-30.1- 710 Abatement of the Nuisance

- (a) A residential property owner in violation of the Act shall have ninety (90) days from the date notice was issued from the Administrator or from the date the Notice to Abate was mailed or posted on the property to terminate/abate the nuisance or the blight without penalties. Failure of the residential property owner to terminate the nuisance or abate the blight after ninety (90) days shall result in the assessment of penalties as provided in these regulations, or a lien against the property.

- (b) A non-residential property owner in violation of the Act shall have sixty (60) days from the date notice was issued from the Administrator or from the date the Notice to Abate was mailed or posted on the property to terminate/abate the nuisance or the blight without penalties. Failure of the non-residential property owner to terminate the nuisance or abate the blight after sixty (60) days shall result in the assessment of penalties as provided in these regulations, or a lien against the property.

§ 165-30.1-711 Time to Appeal the Notice to Abate or Notice of Violation

Any Owner who does not appeal a Notice to Abate or Notice of Violation within thirty (30) days of service shall be deemed to have admitted liability, and the Administrator shall certify that such Owner failed to respond. The civil penalties, fines, costs and/or fees provided for in the Act shall be assessed in full.

§ 165-30.1-712 Repayment of Expenses and Assessment of Liens

If the Commonwealth abates the public nuisance, the owner of the property shall repay the all expenses, including administrative costs and interest, incurred by the Commonwealth. Violators will also be responsible for all costs and expenses associated with enforcement of the Act. Costs and expenses may include but are not limited to, the collection of any civil penalties, attorney fees, court costs, mailing costs, advertising costs, and filing fees.

- (a) If the Commonwealth is not repaid the total expense incurred by the Commonwealth, a lien shall be placed on the property and any other property of the owner, for the total expense or penalties imposed.
- (b) The Administrator shall have a nuisance abatement lien cost statement and invoice prepared. The nuisance abatement lien cost statement and invoice shall be mailed to the owner or otherwise served in a manner designed to provide actual notice and a “Notice of Assessment and Lien” shall be published once in a newspaper.
- (c) The lien shall be recorded with the Commonwealth Recorder’s Office and will be deemed effective and final against the real property upon which a nuisance has been abated and any other property of the owner. The lien shall be enforceable and continue in full force for 20 years after the date the lien is recorded, or discharged by payment, or stayed or terminated by the court. The lien does not accrue interest if it is paid in full within one hundred eighty (180) days after the notice. After this period, the lien accrues at an interest rate of six (6) percent per annum.
- (d) Violations of the provisions of the Act and / or these regulations shall be punishable by a civil penalty or the property may become subject to a lien. Fines will be issued in accordance with the **Schedule of Fines/ Fees, §165-30.1-715**. If remediation is not performed by the date required as stated in the Notice of Violation, fines will be issued

against the property owner for each day such violation(s) exist beyond the remediation period.

§165-30.1-713 Appeals on the Notice of Assessment of Lien

A property owner may appeal the Notice of Assessment and Lien within thirty days (30) after the date of mailing the order, or other service, including posting of the notice on the property. An appeal to the Zoning Board shall conform to the appeal process as set forth in **NMIAC § 165-30.1-703, NMIAC § 165-30.1-711**, and in accordance with the Commonwealth Administrative Procedure Act, 1 CMC §§ 9101-9115.

§165-30.1-714 Fines and Penalties

- (a) A first offense shall be subject to a minimum \$200.00 fine and any other penalties authorized under CNMI law. Second and subsequent offenses shall be subject to penalties up to \$1,000 per day and any other penalties authorized under CNMI law. Each day of violation shall constitute a separate offense, per the **Schedule of Fines/ Fees, §165-30.1-715**.
- (b) Any Owner who, after final agency action and proper notice pursuant to the Act, continues to violate the provisions of the Act, may be fined by the Administrator to the maximum allowed by law, as the same may be amended from time to time, for each day for which it can be shown based on actual inspection of the property on each such day, that the blighted premises continue to exist after written notice to the Owner as provided herein and the expiration time to remediate.

§165-30.1-715 Schedule of Fines/ Fees

	VR, VC, Others *		GC, GE, BR, TR **		Located along Thoroughfares (a.)	Per day After Deadline (b.)	Payment of Fines - Days	
	1st Violation	2 nd / Repeat Violation	1st Violation	2 nd / Repeat Violation			Deadline (c.)	Courtes (d.)
Residential	\$200.00	\$450.00	\$400.00	\$650.00	plus \$150	same as violation fee	7	1
Non-Residential	\$500.00	\$750.00	\$750.00	\$1,250.00	plus \$300	\$1,000.00	5	1

*: Village Residential, Village Commercial, Mixed Commercial, Rural, Public Resource, Agricultural, and Industrial zoning districts

** : Garapan Core, Garapan East, Beach Road, and Tourist Resort zoning districts

- (a) The main roadways where vehicles travel at speeds greater than 30 miles per hour, including, but not limited to, Beach Road, Middle Road (Chalan Pale Arnold), Isa Drive, Chalan Monsignor Guerrero, Chalan Monsignor Martinez, Tomas Sablan Road, Koblerville Road, Dandan Road, Kagman Road, and As Perdido Road.
- (b) The fine imposed starting on the day after the deadline, and each day thereafter.
- (c) The due day to pay the fine imposed, after the date of the notice to pay fine.
- (d) The day allowed to remind property owners to pay the fine before the deadline.

The “days” referenced in this schedule shall be based on calendar days, excluding holidays and weekends.

Example: If a 2nd violation occurs on a property within the GE zoning district by a business or non-residential owner then the following applies:

\$1,250 fine will be imposed and the property owner will be given a notice to pay the fine within five (5) days (c.). A courtesy notice or call will be provided for 1 day (d.) before the due date on the 5th day.

If the owner fails to pay the violation fine on the 5th day, the fine will be reassessed to include a daily accrual of \$1,000 (b.) beginning on the 6th day and everyday thereafter until the fine is paid in full.

Fees:

TYPE	Residential:	Non-Residential:
Mothballing Certificate	\$365.00 annual / \$2.00 per day	\$1,005.00 annual or \$3.50 per day
Compliance Plan Violation	\$50.00 per month	\$200.00 per month