NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS
46TH CONSTITUTIONAL REGULAR SESSION, 2025

Republic of the Marshall Islands
Jepilpilin Ke Ejukaan

NATIONAL BUILDING CODE ACT 2025

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46TH CONSTITUTIONAL REGULAR SESSION, 2025

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NATIONAL BUILDING CODE ACT 2025

A BILL FOR AN ACT to enact a Building Code Act under Title 10 of the MIRC, for the purpose of providing minimum standards to safeguard life or limb, health, property welfare by regulating and controlling the design, construction quality of materials, use and occupancy, location and maintenance of all buildings, structures and certain equipment with this and all other matters related thereto.

BE IT ENACTED BY THE NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS

§101. Short title.

This Act may be cited as the National Building Code Act 2025.

§102. Interpretation in this Act.

(a) "Building" means any or part of any structure or erection used or capable of being used either:

(i) For human habitation;

(ii) As a place within or under which work is performed;

(iii) For storage of commodities, articles or things, and includes every other structure or erection associated with or having the purpose of assisting or enhancing such habitation work or storage, but does not include a structure or erection that is temporary having regard to the materials from which it is constructed or the purpose for which it shall be used;

(b) "Building Inspector" means the Building Inspector or Building Official; appointed pursuant to section 103;

"Code" means the RMI National Building Code prescribed under section 104;

(c) "Construct" means to carrying out work (other than temporary work) that shall have the purpose or effect of supporting adding to altering or adapting the structure of a building and includes work carried out that shall have the purpose or effect of supplying water or electricity to or within a building;

(d) "Permit "means building permit issued under this Act.

§103. Building Inspector, other inspectors, and delegation and Building Committee.

(1) There shall be appointed as members of the Public Service, a Building Inspector who shall be stationed at the Ministry of Public Works, Infrastructure and Utilities, and such other inspectors as may be required for the purpose of administering this Act.

(2) The Building Inspector may either generally or particularly delegate to any inspector, their powers as the Building Inspector may determine.

(3) Subject to this section and to any general or special directions given or conditions attached by the Building Inspector, the inspector to whom any powers are delegated under this section may exercise those powers in the same manner and with the same effect as if they had been conferred on the inspector directly by this section.

(4) Every inspector purporting to act under any delegation under this section shall be presumed to be acting in accordance with the terms of the delegation in the absence of proof to the contrary.

(5) Any delegation made under this section may be revoked by the Building Inspector in whole or in part, and no such delegation shall prevent the exercise of any power by the Building Inspector.

(6) A Building Committee is to be convened to ensure transparency, interagency cooperation, and the granting of approval for complex and high risk projects, as well as hearing appeals. The Committee shall meet to make decisions on applications and cases, and shall be responsible for presenting an annual report to Parliament.

§104. National Building Code.

(1) There may be prescribed under section 105, standards and controls relating to the construction of buildings and such standards and controls shall be known as the National Building Code.

(2) The National Building Code shall apply to the construction of every building.

§105. Standards and controls.

(1) Without limiting the generality of section 104 (1), Cabinet may prescribe regulations for all or any of the following:

(a) The classification of buildings or parts of a building having regard to the purpose for which the building is designed, constructed or used

(b) The structural requirements of a building;

(c) The resistance and stability of a building in the event of fire;

(d) The access to and egress from a building including access and egress by disabled persons, the provision of escape exits and the construction of any means of access or egress;

(e) The provision of electricity to and within a building;

(f) The provision of fire fighting equipment and the control of smoke in a building;

(g) The provision of amenities for the avoidance of health threatening conditions;

(h) The weatherproofing, supply of water, plumbing, drainage (including roof drainage) and sewage containment and its disposal;

(i) The provision of cooking and sanitary facilities;

(j) The size of rooms including their height and the provision of light and ventilation;

(k) The minimum requirements of any of the matters referred to in paragraphs (a) to (j).

(2) The Secretary of Public Works, Infrastructure and Utilities in consultation with the Building Inspector and with the approval of the Cabinet may by regulation further provide any other requirements as it may deem necessary, including the application of fees and fines.

§106. Buildings to have permit.

(1) No person shall commence or cause to be commenced the construction of a building or engage in the construction of a building without a building permit having first been applied for and issued under this Act.

(2) Every person who shall cause to be commenced the construction of a building in respect of which a building permit is not issued in contravention of subsection (1), commits an offence and upon conviction shall be liable to a fine not exceeding $10,000.

§107. Application for permit.

(1) Every person intending to construct a building shall make application to the Building Inspector for the issue of a permit in respect of the building to be constructed.

(2) Every application under subsection (1) shall contain all such information as the Building Inspector may reasonably require to ensure that the building complies with the Code including:

(a) A plan detailing:

(i) the location of the building and distance from each boundary measured from the outer extremities of the building;

(ii) the distance from any existing building within the boundaries of the site measured from the outer extremities of each building;

(iii) the width of any public road or access way adjacent to a boundary;

(iv) the location of any water bore and its distance from any waste disposal facility measured from the outer limits of such facility;

(v) the point at which electricity and water will be made available to the site and the location of the means by which the building shall be supplied;

(b) A design plan detailing:

(i) drawings of at least 4 elevations of the building;

(ii) drawings of at least one section of the building which shall describe the stud height;

(iii) drawings describing the ties;

(c) Specifications;

(d) The dates upon which it is intended:

(i) that construction shall commence;

(ii) that the placement of foundations, and reinforcing studs shall be completed;

(iii) the walls (without wall linings) and roof shall be completed;

(iv) fixing of wall linings shall commence;

(v) that construction shall be completed;

(e) The address or location at which the construction will take place;

(f) The name and address, of the person who shall be the owner of the building;

(g) The name and address, of the person who shall be responsible for the construction of the building, and the name and address of every subcontractor, if applicable;

(3) All applications are subject to permit fees once accepted for assessment by the Building Inspector.

(4) No application for a permit shall be granted by the Building Inspector unless the information required under subsection (2) is submitted to the Building Inspector and the building complies with the Code.

(5) Decisions on permit applications will be received within 30 days of lodgement of the complete set of information, unless there is a request for further information or clarifications.

(6) In approving the issue of a permit the Building Inspector may, subject to this Act and the Code:

(a) Require an existing building upon which construction work shall be undertaken and in respect of which work, a permit will issue, to comply with the Code to the extent that the work to be undertaken shall allow.

(b) Impose such reasonable terms and conditions that the Building Inspector deems to ensure that the Code shall be complied with.

(7) Every applicant for a building permit, or where the applicant is absent or unable to do so, the person who shall be responsible for the construction of the building, shall notify the Building Inspector in writing of every deletion from or addition to information contained in an application for a permit.

(8) Every person commits an offence who engages or who causes any other person to be engaged in the construction of a building and the construction engaged in is:

(a) Other than in accordance with information supplied to the Building Inspector; and

(b) Without the prior written approval of the Building Inspector to the variation of such information; and upon conviction shall be liable to a fine of not exceeding $5,000 dollars.

§108. Validity of permit.

(1) Every permit issued under section 107 shall entitle the applicant to commence or cause to be commenced the construction of the building in respect of which it is issued and shall remain in force until the construction of the building is completed consistent with the Code unless:

(a) Such construction is not commenced within the period of 12 months from the date that the permit was issued, in which case the permit shall upon the expiry of that period be cancelled under section 112; or

(b) Construction of the building shall cease for a continuous period of 1 year, in which case the permit shall be cancelled under section 112; or

(c) The permit shall be suspended under section 111, in which case the permit shall be of no effect during the period for which it is suspended; or

(d) The permit shall be cancelled under section 112 in which case the permit shall be of no effect from the date that it is cancelled.

§109. Inspection of building.

(1) It shall be a condition of every permit that where the construction of a building shall involve work to be inspected, then upon such work having been undertaken no person engaged in the construction of the building shall undertake any other work that shall have the effect of preventing the Building Inspector from carrying out a visual inspection of that work, until that inspection has actually been conducted.

(2) In respect of work to be inspected, it shall be the duty of every person responsible for the construction of a building to:

(a) Notify the Building Inspector when such work may be inspected; and

(b) Prohibit any work that shall have the effect of preventing such inspection.

(3) For the purpose of this Act, work to be inspected shall include:

(a) The footings and foundations (including steel work) prior to the pouring of concrete;

(b) The wall framing prior to the affixing of wall coverings;

(c) The roof framing prior to the affixing of ceilings or roofing.

(4) The Building Inspector may, at any reasonable time, enter upon any land on which a building is being constructed and into any premises in respect of which a building permit has been issued for the purposes of either:

(a) Determining whether a building permit has been issued under this Act; or

(b) Ascertaining whether the provisions of this Act, the Code and any permit are being complied with;

(c) Ensuring that the matters set out in any requisition issued under section 110 are complied with.

(5) For the purposes of subsection (1), the Building Inspector may interview any person who shall appear to them to be engaged in the construction of the building and every person so interviewed shall, if within their knowledge, answer all questions put to them by the Building Inspector.

(6) Every person who prevents, obstructs or misleads the Building Inspector in the performance of their duties under this section, or who fails to answer any question put to them under subsection (6), commits an offence and upon conviction shall be liable to a fine not exceeding $5,000 dollars.

§110. Requisitions.

(1) The Building Inspector may by requisition under his their hand to the person responsible for the construction of the building, set out with reasonable particularity any matter that, in their opinion, does not comply with the Code or the permit and may require the person responsible for the construction of the building to remedy that inconsistency within a specified period not exceeding 3 months.

(2) Every person who shall be responsible for the construction of a building and who shall be served with a requisition under subsection(1) shall undertake or cause to be undertaken such work as shall be necessary to ensure that the matters set out in the requisition are complied with.

§111. Suspension of permit.

(1)The Building Inspector may, suspend a permit where:

(a) The provisions of the Code are not being complied with; or

(b) The provisions of the permit are not being complied with; or

(c) The matters set out in a requisition have not been complied with within the time specified in such requisition; or

(d) They are prevented by the owner of the building or their agents or employees or the person responsible for the construction of the building from determining whether the provisions of the Code or the permit are being complied with.

(2) Every permit that is suspended under subsection (1) shall remain suspended until such time that:

(a) The person who shall be responsible for the construction of the building causes such construction to comply with any requisition or the provisions of the Code or permit; or

(b) The Building Inspector is permitted to determine whether the provisions of the Code or the permit are being complied with and such determination has been made.

(3) Where a permit is suspended, no person shall, while the permit remains suspended, undertake, or cause to be undertaken any further construction of the building to which the permit relates other than that construction as shall be necessary to cause the building to comply with the requisition, the Code or the permit.

(4) Every person who contravenes subsection (3) commits an offence and upon conviction shall be liable to a fine not exceeding $5,000 dollars.

§112. Cancellation of permit.

(1) Subject to subsection (2), the Building Inspector shall cancel a permit where:

(a) The construction of the building in respect of which the permit is issued is not commenced within 12 months of the date that the permit was issued; or

(b) The permit has been suspended and remains suspended for a continuous period of 12 months for reasons within the control of the owner of the building or the person responsible for the construction of the building; or

(c) The construction of the building shall have ceased for a continuous period of 12 months in circumstances indicating that the building to which the permit applies is unlikely to be completed in accordance with such permit.

(2) Every person who shall commence or cause to be commenced the construction of a building or who shall engage in the construction of a building after the permit in respect of that building has been cancelled commits an offence and upon conviction shall be liable to a fine not exceeding $5,000 dollars.

§113. Notice of suspension or cancellation.

(1) Every suspension of a permit and every cancellation of a permit under this Act shall be notified to the applicant of the permit by personal service upon the applicant of a notice to that effect.

(2) Where the applicant is beyond the Republic, then service of the notice upon the applicant shall be deemed to have been effected if the Building Inspector shall cause to be delivered a copy of the notice to:

(a) The address at which the building is or was intended by the applicant to be constructed; or

(b) the person who shall be responsible for the construction of the building.

S114. Certificate to Occupy

(1) A building or any part of a building must not be occupied or reoccupied unless the Building Inspector has issued a Certificate to Occupy.

(2) The owner of the building must apply to the Building Inspector for a Certificate to Occupy. The Building Inspector is to issue a fitness to Certificate to Occupy if it is satisfied that the building complies with the Code.

§115. Appeals.

(1) Every person who shall be affected by either a requisition issued under section 110, or a notice of suspension or of cancellation under section 113, may, within 21 days of being served with a requisition or a notice, appeal to the Building Committee against such requisitions, suspension or cancellation setting out the grounds upon which they are dissatisfied and the reasons therefore.

(2) The Building Committee may on appeal, confirm, vary or annual any requisition, notice or suspension or notice of cancellation or refer to the High Court.

§116. Demolition order.

(1) Where a person is charged with an offence under this Act the Court may in addition to imposing any penalty that may be prescribed, but subject to subsection (2), order that the building or such part of a building as the Court shall define be removed, taken down or demolished under the supervision of the Building Inspector.

(2) The Court shall not order the removal, taking, down or demolition of a building or any part of a building unless:

(a) The removal, taking, down or demolition will facilitate the Building Inspector carrying out an inspection under section 119; or

(b) The building or the part of it to be removed, taken down or demolished poses a threat to human life, health or property.

§117. Offences

(1) Every person who shall contravene this Act for which no penalty is prescribed commits an offence and upon conviction shall be liable to a fine not exceeding $5,000 dollars.

(2) Where the High Court shall impose a fine for the breach of this Act it may in addition to imposing such fine order that the person convicted pay a sum not exceeding $500 dollars for each day that the offence shall continue after the date of conviction shall be entered.

§118. Jurisdiction of Court.

The High Court of the Republic shall have all jurisdictions to hear and determine any proceedings under this Act and may hear and determine any appeal under section 112.

§119. Jurisdiction of Court with respect to dangerous, deserted, ruinous and dilapidated buildings.

(1) Upon being satisfied that any building is either:

(a) In such a condition to be dangerous to persons therein or in any adjoining building or on any adjoining land or to passers-by; or

(b) In a dilapidated or ruinous condition and is being used in a disorderly manner so as to be obnoxious to the neighboring inhabitants or to the public; or

(c) In a dilapidated and ruinous condition and has not been inhabited or used by or with the authority of the owner for 12 months or more.;

(2) The Court may, upon application of the Building Inspector and after not less than 3 months' notice of such application has been given to

the owner of the building, order the building to be secured or taken down, or as the case may be, repaired or taken down as the Court thinks fit, within a time to be specified in the order.

(3) Every order requiring the building to be secured or repaired shall specify the manner in which the building shall be so secured or repaired.

(4) Any such notice or order to the owner may, in the absence of the owner, be given by being posted by registered letter addressed to them at their last known address, or by being served upon their agent or upon the occupier (if any) of the building, or, if the owner's address is not known and they have no known agent and the building is unoccupied, by fixing the notice or order on the building.

(5) Any such notice to any other person having an interest in the land may be given to them by serving the notice upon them personally or by posting it by registered letter addressed to them at their last known address or by serving it upon their agent.

(6) Should the building owner fail to comply with the court's directive, the Ministry of Works, Infrastructure, and Utilities may petition the court for an order to take possession of the building and carry out its removal from the property.

(7) Should a building be at the point of imminent collapse and/or posing immediate danger to human life, the Building Inspector may, at the behest of Cabinet or Emergency Services direct the demolition of all or part of a building without notification to the owner.

§120. Regulations.

Cabinet may make regulations necessary or expedient for giving effect to this Act and its administration including regulations providing for:

(a) The form and content of documentation required for the purpose of this Act;

(b) The fees that may be charged for receiving an application or granting any approval.

§121. Consequential Amendment

Upon the commencement of this Act, the following sections of the Planning and Zoning Act 1987 are hereby repealed:

PART II- PLANNING COMMISSION; PLANNING OFFICE: clauses 206 (4) (b) and 209

PART III- ZONING AND BUSINESS PERMITS: clauses, 213, 213, 215, 216, 217, 218

PART V- MARSHALL ISLANDS BUILDING CODE: clauses 222,223,224, 225, 226

§122. Transitional provision.

This Chapter shall be implemented after one year from the date of certification of this Act.

§123. Severability.

If any provision of this Act or any rule, regulation, or promulgated hereunder, or the application of any such provision, rule, regulation, or order to any person or circumstances shall be held invalid by a court of competent jurisdiction, the remainder of this Act or any rules, regulation, rules or order to persons circumstances other than those to which it is held invalid, shall not be affected thereby.

§124. Effective date.

This Act shall take effect in accordance with the Rules of Procedures of the Nitijela and the Constitution.

NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS
40TH CONSTITUTION REGULAR SESSION, 2025

NATIONAL BUILDING CODE ACT 2025

BILL SUMMARY

This Bill proposes to enact a Building Code Act for the purpose to provide minimum standards to safeguard life or limb, health, property welfare by regulating and controlling the design, construction quality of materials, use and occupancy, location and maintenance of all buildings, structures and certain equipment with this and all other matters related thereto.

NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS
46TH CONSTITUTIONAL REGULAR SESSION, 2025

NATIONAL BUILDING CODE ACT 2025

SIGNATURES

DATE: FEB 18, 25 **INTRODUCED BY** Thomas Heine _____
Print Name *Signature*

DATE: _____ **INTRODUCED BY** _____ _____
Print Name *Signature*

DATE: _____ **INTRODUCED BY** _____ _____
Print Name *Signature*

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