

TITLE 165: LOCAL RULES AND REGULATIONS; SAIPAN AND NORTHERN ISLANDS (THIRD SENATORIAL DISTRICT)

**SUBCHAPTER 165-10.1
DOG CONTROL RULES AND REGULATIONS**

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Subchapter Authority: 10 CMC § 3702.

Subchapter History: Adopted 25 Com. Reg. 20220 (May 29, 2003); Emergency and Proposed 25 Com. Reg. 20007 (Feb. 28, 2003) (effective for 120 days from Feb. 27, 2003); Proposed 19 Com. Reg. 15703 (Oct. 15, 1997).

Commission Comment: 1 CMC § 5101 creates offices of the mayors within the Commonwealth government, composed of the duly-elected mayors of Saipan, Rota, Tinian and Aguiguan and the Northern Islands. The mayors are authorized to promulgate regulations on local matters as provided by law. See 1

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CMC § 5106(e). 1 CMC § 5107(f)(4) grants the mayors the responsibility for regulations and licensing of dogs, cats, and other domestic animals.

Saipan Local Law 9-12 (effective Oct. 19, 1995), the “Saipan and Northern Islands Dog Control Act,” codified at 10 CMC §§ 3701-3704, authorizes the municipalities of Saipan and the Northern Islands to adopt rules and regulations for the control and licensing of dogs and to administer and enforce such rules and regulations. See 10 CMC § 3702.

Part 001 - General Provisions

[Reserved.]

Part 100 - Impoundment

§ 165-10.1-101 Established

There shall be provided a suitable enclosure or place for the purpose of keeping and safely holding animals impounded, which shall be designated as the animal shelter, provided, that one or more suitable enclosures or places may be provided for the purpose of keeping and safely holding animals impounded which places shall be designated as branches of the animal shelter and shall be included within the meanings of the words animal shelter wherever the name may appear in this subchapter.

Modified, 1 CMC § 3806(d).

History: Adopted 25 Com. Reg. 20220 (May 29, 2003); Emergency and Proposed 25 Com. Reg. 20007 (Feb. 28, 2003) (effective for 120 days from Feb. 27, 2003); Proposed 19 Com. Reg. 15703 (Oct. 15, 1997).

§ 165-10.1-105 Supervisor Designated

Whenever in this subchapter words “Supervisor” or “Supervisor of animal shelter” are used, they shall mean the Supervisor of the regulation division of the office of the Mayor Saipan.

Modified, 1 CMC § 3806(d).

History: Adopted 25 Com. Reg. 20220 (May 29, 2003); Emergency and Proposed 25 Com. Reg. 20007 (Feb. 28, 2003) (effective for 120 days from Feb. 27, 2003); Proposed 19 Com. Reg. 15703 (Oct. 15, 1997).

§ 165-10.1-110 Impoundment; Authority

The Supervisor shall take up, impound, and safely keep any and all of the animals enumerated in this subchapter and found running at large, pastured, herded, staked, or tied in any street, park, or other public place, or upon any private property, in violation of any of the provisions of this subchapter.

Modified, 1 CMC § 3806(d).

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History: Adopted 25 Com. Reg. 20220 (May 29, 2003); Emergency and Proposed 25 Com. Reg. 20007 (Feb. 28, 2003) (effective for 120 days from Feb. 27, 2003); Proposed 19 Com. Reg. 15703 (Oct. 15, 1997).

Commission Comment: The Commission inserted commas after the words “impound” and “staked” pursuant to 1 CMC § 3806(g).

§ 165-10.1-115 Impoundment; Dogs

It shall be the duty of the Supervisor and his employees to take up and deliver to the animal shelter any dog found upon any public or private property within the municipality in violation of any of the provisions of this subchapter.

Modified, 1 CMC § 3806(d), (f).

History: Adopted 25 Com. Reg. 20220 (May 29, 2003); Emergency and Proposed 25 Com. Reg. 20007 (Feb. 28, 2003) (effective for 120 days from Feb. 27, 2003); Proposed 19 Com. Reg. 15703 (Oct. 15, 1997).

§ 165-10.1-120 Impoundment; Care of Animals

The Supervisor shall safely keep all dogs, or other animals impounded at the animal shelter and shall furnish the same all necessary food and water, and shall give the same ordinary attention as may appear to be reasonably required for the welfare of such animals.

History: Adopted 25 Com. Reg. 20220 (May 29, 2003); Emergency and Proposed 25 Com. Reg. 20007 (Feb. 28, 2003) (effective for 120 days from Feb. 27, 2003); Proposed 19 Com. Reg. 15703 (Oct. 15, 1997).

§ 165-10.1-125 Impoundment; Voluntary

The owner of a dog or cat may, with the consent of the Supervisor, place the custody of such animal with said official for the purpose of obtaining his assistance in procuring a new owner for the animal under such terms and conditions as that official, in his sole and absolute discretion, shall determine. The act of the owner in so placing the custody of the animal with the Supervisor shall, in no event and under no circumstances, obligate that official of the municipality to procure a new owner for the animal and, in the event such official so determines, the animal may be destroyed and disposition made of the carcass. The owner of any other small animal may, with the consent of the Supervisor, place the custody of such animal with said official for the purpose of disposing of the animal as that official so determines. By placing the animal in the custody of the Supervisor in accordance with this section, the owner thereof relinquishes and conveys to the municipality all his right, title and interest in and to the animal and to the proceeds of any sale of the animal thereafter made, and neither the municipality nor the official shall be required to make an accounting for any such proceeds. If the Supervisor elects to accept the custody of the animal, he shall require the owner thereof to evidence in writing his knowledge and acceptance of the provisions of this section. Notwithstanding anything in this section to the contrary, in the event the Supervisor has not procured a new owner for the animal and the same has not been destroyed, the person so placing the animal in custody may redeem and reclaim it from the custody of the municipality upon the

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payment of a fee therefor established by the Mayor by regulation. The owner of the unwanted animal may deliver the animal to the Supervisor at the animal shelter without charge or, at the owner's request, that official will pick up the animal at a fee established therefor by the Mayor by regulation.

Modified, 1 CMC § 3806(f).

History: Adopted 25 Com. Reg. 20220 (May 29, 2003); Emergency and Proposed 25 Com. Reg. 20007 (Feb. 28, 2003) (effective for 120 days from Feb. 27, 2003); Proposed 19 Com. Reg. 15703 (Oct. 15, 1997).

§ 165-10.1-130 Nonpayment; Abandonment

The refusal or failure of the owner of any such dog to pay the fee and charges after due notification shall be held to be an abandonment of the dog by the owner.

History: Adopted 25 Com. Reg. 20220 (May 29, 2003); Emergency and Proposed 25 Com. Reg. 20007 (Feb. 28, 2003) (effective for 120 days from Feb. 27, 2003); Proposed 19 Com. Reg. 15703 (Oct. 15, 1997).

§ 165-10.1-135 Impoundment; Disposal

(a) Prior to disposing of an impounded dog, the Supervisor shall contact any and all local animal welfare protection groups that have registered with the Supervisor, and who the Supervisor has found ready, willing, and able to place abandoned or wild dogs with responsible owners, to determine if the group is willing to take the dog in an attempt to place the dog with a willing owner. If the group is so willing, then the Supervisor shall release the dog to the group after the expiration of the one hundred twenty hour holding period and/or after the expiration of any notice period as set forth below.

(b) Prior to placing the dog with an animal welfare/protection group, or disposing of a dog, the Supervisor shall attempt to contact the owner of the dog. If the dog is wearing a tag issued by the municipality, or a tag that provides the Supervisor with information sufficient for him to determine the identity of the owner of the dog, then notice that the dog has been impounded and may be destroyed, or given to a new owner, shall be given to the owner, either by personal service, or by certified mail. The dog may not be disposed of, or given away, prior to the owner receiving forty-eight hours notice if by personal service, or seventy-two hours notice, if by certified mail. For the purposes of determining the running of the notice period for notices serviced via certified mail, the seventy-two hour notice period will begin to run upon the Supervisor's delivering the letter to the post office.

(c) The notice shall include the day and time that the dog was impounded, the daily impound fee, any other fees that the owner must pay to regain possession of the dog, and any procedures the owner must follow to regain possession of the dog.

(d) If an impounded dog is not wearing a tag that would provide the Supervisor with the ability to determine the owner's identity, or if the owner does not respond to the notice issued by the Supervisor, then the Supervisor may dispose of or give the dog away

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to an animal welfare/protection group, or to any individual that the Supervisor deems to be ready, willing, and able to care for the dog, at the expiration of the one hundred twenty hour holding period, or at the end of the notice period, whichever is later.

(e) If the Supervisor deems that dog can be sold and thereby generate revenue for the municipality, the Supervisor may sell the dog rather than give the dog to an animal welfare/protection group, or to an individual.

(f) At the time of sale or placement with an individual of any dog or cat, a spay and neuter deposit shall be required from the purchaser/new owner. Such deposit shall be established by the Mayor by regulation. All such deposits shall be deposited as special account for the municipality for animal control. A purchased/placed dog or cat under six months of age at the time it is sold/placed shall be spayed or neutered within six months or the deposit shall be deemed unclaimed and forfeited to the municipality. Any dog or cat six months of age over, at the time it is sold/placed, shall be spayed or neutered within sixty days or the deposit shall be deemed unclaimed and forfeited to the city. If a written statement is obtained by the purchaser/new owner from a veterinarian that the dog or cat is not suitable for surgery the deposits shall not be deemed forfeited.

(g) The Supervisor may, without waiting for such five-day period to elapse, cause any impounded animal to be destroyed when that official reasonably determines, upon the advice of a veterinarian, that such animal is unfit for further use by reason of its having been injured, having become infected with a dangerous or communicable disease, having become incurably crippled or having become infirmed on account of advanced age. Such official may likewise so destroy any impounded animal upon receiving the written report of a duly licensed veterinarian that such animal is afflicted with a painful and incurable disease.

Modified, 1 CMC § 3806(e), (f), (g).

History: Adopted 25 Com. Reg. 20220 (May 29, 2003); Emergency and Proposed 25 Com. Reg. 20007 (Feb. 28, 2003) (effective for 120 days from Feb. 27, 2003); Proposed 19 Com. Reg. 15703 (Oct. 15, 1997).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) through (g).

In subsection (e), the Commission changed “sale” to “sell” to correct a manifest error.

§ 165-10.1-140 Impoundment; Redemption by Owner

The owner or person entitled to the possession of any impounded dog or other animal shall have the right to redeem and have the possession of the same at any time prior to the sale or destruction thereof upon payment to the Supervisor of the costs and charges incident to the impounding, taking, and keeping thereof, upon satisfactory proof of the ownership and right to possession of the dog or other animal being made to the Supervisor and, if sold, to receive all of the net proceeds of such sale in excess of the costs and charges or the taking, impounding, keeping, and expenses of sale thereof. As an incident to the redemption of any dog, the owner or other person shall also pay the

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license fee, plus any penalty, for any dog for which a license tag has not been issued for the current year.

History: Adopted 25 Com. Reg. 20220 (May 29, 2003); Emergency and Proposed 25 Com. Reg. 20007 (Feb. 28, 2003) (effective for 120 days from Feb. 27, 2003); Proposed 19 Com. Reg. 15703 (Oct. 15, 1997).

Commission Comment: The Commission inserted commas after the words “taking” and “keeping” pursuant to 1 CMC § 3806(g).

§ 165-10.1-145 Interference with Officers or Shelter

No person shall conceal or attempt to conceal, rescue, or attempt to rescue any dog or any of the animals mentioned in this subchapter from the Supervisor, or from any other officer authorized to enforce any of the provisions of this subsection, while engaged in the capture or in conveying to the animal shelter any such dog or animal, or to interfere in any manner with said persons in the performance of any duty incident to their office, or to rescue or attempt to rescue any dog or other animal which has been impounded in the animal shelter.

Modified, 1 CMC § 3806(d), (g).

History: Adopted 25 Com. Reg. 20220 (May 29, 2003); Emergency and Proposed 25 Com. Reg. 20007 (Feb. 28, 2003) (effective for 120 days from Feb. 27, 2003); Proposed 19 Com. Reg. 15703 (Oct. 15, 1997).

Commission Comment: The Commission corrected the spelling of “been.”

Part 200 - Dog Licensing

§ 165-10.1-201 Tag; Required

No person shall own or have in custody or control any dog, male or female, over the age of four months, without at all times having upon such dog a collar or harness to which shall be securely fastened a tag as provided in the regulations in this subchapter. Said tag may be issued at any time during the calendar year and may be issued for a period of twelve months. The tag shall be obtained from the Supervisor or designated office, inscribed with the letters and words “Saipan Dog Tag” and with the serial number of the tag. The tag shall be sufficient only during the period for which the tag is issued.

Modified, 1 CMC § 3806(d), (f).

History: Adopted 25 Com. Reg. 20220 (May 29, 2003); Emergency and Proposed 25 Com. Reg. 20007 (Feb. 28, 2003) (effective for 120 days from Feb. 27, 2003); Proposed 19 Com. Reg. 15703 (Oct. 15, 1997).

§ 165-10.1-205 Application

Each application of a dog license tag shall state the age, sex, color, and breed of the dog for which the license is desired and the address of the owner.

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History: Adopted 25 Com. Reg. 20220 (May 29, 2003); Emergency and Proposed 25 Com. Reg. 20007 (Feb. 28, 2003) (effective for 120 days from Feb. 27, 2003); Proposed 19 Com. Reg. 15703 (Oct. 15, 1997).

§ 165-10.1-210 Endorsement of Tag Number

All applications which have been endorsed shall be kept on file in the office of the Supervisor open to public inspection.

History: Adopted 25 Com. Reg. 20220 (May 29, 2003); Emergency and Proposed 25 Com. Reg. 20007 (Feb. 28, 2003) (effective for 120 days from Feb. 27, 2003); Proposed 19 Com. Reg. 15703 (Oct. 15, 1997).

§ 165-10.1-215 Spayed or Neutered Dog; Reduction in Fee

Whenever dog license tags are issued pursuant to this part, any such tag shall be issued for one-half or less of the fee required for a dog, if a certificate is presented from a licensed veterinarian that the dog has been spayed or neutered.

Modified, 1 CMC § 3806(d), (g).

History: Adopted 25 Com. Reg. 20220 (May 29, 2003); Emergency and Proposed 25 Com. Reg. 20007 (Feb. 28, 2003) (effective for 120 days from Feb. 27, 2003); Proposed 19 Com. Reg. 15703 (Oct. 15, 1997).

Commission Comment: The Commission inserted the final period.

§ 165-10.1-220 Penalty

Violation of or failure to comply with any provision of the regulations in this subchapter constitutes an infraction punishable by a fine of not more than one hundred dollars for the first offense and not more than two hundred dollars for the second offense within a twelve-month period.

Modified, 1 CMC § 3806(d).

History: Adopted 25 Com. Reg. 20220 (May 29, 2003); Emergency and Proposed 25 Com. Reg. 20007 (Feb. 28, 2003) (effective for 120 days from Feb. 27, 2003); Proposed 19 Com. Reg. 15703 (Oct. 15, 1997).

§ 165-10.1-225 Tag Issuance; Records

The Supervisor of the animal regulation division is authorized and directed to procure on an as needed basis such quantity of tags as may be required for dogs in the municipality, which tags shall be plainly inscribed as set forth in this subchapter, and shall be valid for only the period for which they are issued. The Supervisor, his assistants, and deputies shall furnish such tags to the owners and persons in control of dogs in the municipality for fees which shall be established by the Mayor by regulation for each unaltered dog and for each altered dog whose spaying or neutering is verified by a certificate from a licensed veterinarian. The Supervisor shall keep a register wherein shall be entered the name of every person to whom a dog tag has been issued, together with the serial number, and the period for which it is valid, the date of issuance, the address of applicant,

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and any other data deemed pertinent. Such tag shall be good only for use upon the dog described in such application.

Modified, 1 CMC § 3806(d), (f).

History: Adopted 25 Com. Reg. 20220 (May 29, 2003); Emergency and Proposed 25 Com. Reg. 20007 (Feb. 28, 2003) (effective for 120 days from Feb. 27, 2003); Proposed 19 Com. Reg. 15703 (Oct. 15, 1997).

§ 165-10.1-230 Tag; Replacement

In case of loss or destruction of any tag required by the provisions of this subchapter, a duplicate shall be issued by the Supervisor upon request and upon the payment of the fee established therefor by the Mayor by regulation.

Modified, 1 CMC § 3806(d).

History: Adopted 25 Com. Reg. 20220 (May 29, 2003); Emergency and Proposed 25 Com. Reg. 20007 (Feb. 28, 2003) (effective for 120 days from Feb. 27, 2003); Proposed 19 Com. Reg. 15703 (Oct. 15, 1997).

§ 165-10.1-235 Exemptions

No license fee or tax shall be required for the issuance of a tag for any dog certified as being duly and properly trained to aid or assist disabled persons when such dog is actually being used by a person for the purpose of aiding or assisting such disabled person, and the Supervisor shall annually issue tags free of charge to owners or persons having the custody and control of such dogs.

History: Adopted 25 Com. Reg. 20220 (May 29, 2003); Emergency and Proposed 25 Com. Reg. 20007 (Feb. 28, 2003) (effective for 120 days from Feb. 27, 2003); Proposed 19 Com. Reg. 15703 (Oct. 15, 1997).

§ 165-10.1-240 Tag; Counterfeit Prohibited

No person shall imitate or counterfeit any tag, receipt, or registration certificate required or issued pursuant to this subchapter or use any imitation or counterfeit of any such tag, receipt, or certificate.

Modified, 1 CMC § 3806(d).

History: Adopted 25 Com. Reg. 20220 (May 29, 2003); Emergency and Proposed 25 Com. Reg. 20007 (Feb. 28, 2003) (effective for 120 days from Feb. 27, 2003); Proposed 19 Com. Reg. 15703 (Oct. 15, 1997).

Commission Comment: The Commission inserted a comma after the word “receipt” pursuant to 1 CMC § 3806(g).

§ 165-10.1-245 Exhibit of Receipt or Tag Required

No person owning or having in his control any dog subject to license under this subchapter shall refuse to show upon demand to the Supervisor, or any police officer, the receipt for a license tag fee or the license tag for any duly registered dog.

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Modified, 1 CMC § 3806(d).

History: Adopted 25 Com. Reg. 20220 (May 29, 2003); Emergency and Proposed 25 Com. Reg. 20007 (Feb. 28, 2003) (effective for 120 days from Feb. 27, 2003); Proposed 19 Com. Reg. 15703 (Oct. 15, 1997).

§ 165-10.1-250 Unlawful Killing, Injuring or Impounding

Except as otherwise provided in this part, it is unlawful for any person to kill, injure, or impound any dog, if the owner of the dog has complied with the provisions of this part.

Modified, 1 CMC § 3806(d).

History: Adopted 25 Com. Reg. 20220 (May 29, 2003); Emergency and Proposed 25 Com. Reg. 20007 (Feb. 28, 2003) (effective for 120 days from Feb. 27, 2003); Proposed 19 Com. Reg. 15703 (Oct. 15, 1997).

§ 165-10.1-255 Female in Heat; Permitting to Run at Large

It is unlawful for any person to permit any female dog which is owned, harbored, or controlled by him, to run at large at any time during the period when the dog is in heat or breeding condition.

History: Adopted 25 Com. Reg. 20220 (May 29, 2003); Emergency and Proposed 25 Com. Reg. 20007 (Feb. 28, 2003) (effective for 120 days from Feb. 27, 2003); Proposed 19 Com. Reg. 15703 (Oct. 15, 1997).

Part 300 - Rabies Control

[Reserved.]

History: Adopted 25 Com. Reg. 20220 (May 29, 2003); Emergency and Proposed 25 Com. Reg. 20007 (Feb. 28, 2003) (effective for 120 days from Feb. 27, 2003); Proposed 19 Com. Reg. 15703 (Oct. 15, 1997).

Part 400 - Animal Regulation

§ 165-10.1-401 Dog Leash Required

No person owning, having a proprietary interest in, harboring or having the care, charge, control, custody, or possession of a dog, shall permit such dog to be in or upon any public street, park, or other public place unless such dog is upon a secure leash not more than eight feet long held continuously, in the hands of a responsible person capable of controlling the dog, or unless the dog is securely confined within an automobile, or in or upon any unenclosed lot or premises, unless the dog is securely leashed upon the unenclosed lot or premises; provided, however, that this section shall not apply to any such person who is in possession or operating within the terms of a valid, unrevoked permit from the municipality for the conduct of obedience or other types of trial or show of dogs in or upon any public place.

Modified, 1 CMC § 3806(f).

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History: Adopted 25 Com. Reg. 20220 (May 29, 2003); Emergency and Proposed 25 Com. Reg. 20007 (Feb. 28, 2003) (effective for 120 days from Feb. 27, 2003); Proposed 19 Com. Reg. 15703 (Oct. 15, 1997).

Commission Comment: The Commission inserted commas after the words “custody” and “park” pursuant to 1 CMC § 3806(g).

§ 165-10.1-405 Possession Without Owner’s Consent

No person, not the owner thereof, and without the consent of the owner thereof, shall hold or retain in his possession any dog within the municipality for any period longer than twenty-four hours unless such person reports the same, with the true description thereof, to the Supervisor.

Modified, 1 CMC § 3806(f).

History: Adopted 25 Com. Reg. 20220 (May 29, 2003); Emergency and Proposed 25 Com. Reg. 20007 (Feb. 28, 2003) (effective for 120 days from Feb. 27, 2003); Proposed 19 Com. Reg. 15703 (Oct. 15, 1997).

§ 165-10.1-410 Enforcement

The Supervisor and any employee designated by the municipality shall have the duty to enforce this act.

History: Adopted 25 Com. Reg. 20220 (May 29, 2003); Emergency and Proposed 25 Com. Reg. 20007 (Feb. 28, 2003) (effective for 120 days from Feb. 27, 2003); Proposed 19 Com. Reg. 15703 (Oct. 15, 1997).

§ 165-10.1-415 Refunds

In the event the Supervisor or the Supervisor’s designee determines after the sale of an animal that the animal bites, or that an examining veterinarian has determined that the animal is ill and there are sufficient facts and circumstances which indicate that the illness was incurred by the animal prior to the sale, the Supervisor or the Supervisor’s designee may authorize the refund of the purchase price, inoculation fee, license fee, and any other fees or charges paid by the purchaser to the municipality in connection with the sale of the animal; provided, that the purchaser of the animal files a written request for the refund with the Supervisor within fifteen days after the date of the sale of the animal.

Modified, 1 CMC § 3806(e).

History: Adopted 25 Com. Reg. 20220 (May 29, 2003); Emergency and Proposed 25 Com. Reg. 20007 (Feb. 28, 2003) (effective for 120 days from Feb. 27, 2003); Proposed 19 Com. Reg. 15703 (Oct. 15, 1997).

§ 165-10.1-420 Vicious Animals; Defined

(a) “Vicious animal” is any which bites or attempts to bite any human or animal without provocation, or which has a disposition or propensity to attack, bite, or menace any human or animal without provocation and endangers the health and safety of any person.

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(b) Any animal who bites or attempts to bite a person or other animal that is unlawfully on its owner's premises, or which has been provoked or teased, or which is otherwise performing its duties as a police dog, shall not be deemed to be a vicious animal.

History: Adopted 25 Com. Reg. 20220 (May 29, 2003); Emergency and Proposed 25 Com. Reg. 20007 (Feb. 28, 2003) (effective for 120 days from Feb. 27, 2003); Proposed 19 Com. Reg. 15703 (Oct. 15, 1997).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) and (b). The Commission inserted a comma after the word "bite" in subsection (a) pursuant to 1 CMC § 3806(g).

§ 165-10.1-425 Impoundment of Vicious Animal

(a) Any law enforcement or animal control officer of the municipality shall have the authority summarily and immediately to impound a dog or other animal where there is evidence it is vicious within the meaning of this subchapter.

(b) Whenever necessary to make an inspection to enforce any of the provisions of this subchapter, such official may enter private property at all reasonable times to inspect same or to perform any duty imposed by this subchapter, provided, that if such private property is occupied, such official shall first present proper credentials and demand entry. If entry is refused, or if the owner or other person having control of such property is not present to permit entry, such official shall have recourse to every remedy provided by law to secure entry at a later time.

(c) If the dog or other animal cannot be safely taken up and impounded, it may be destroyed forthwith by such law enforcement or animal control officer.

Modified, 1 CMC § 3806(d), (f).

History: Adopted 25 Com. Reg. 20220 (May 29, 2003); Emergency and Proposed 25 Com. Reg. 20007 (Feb. 28, 2003) (effective for 120 days from Feb. 27, 2003); Proposed 19 Com. Reg. 15703 (Oct. 15, 1997).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) through (c).

§ 165-10.1-430 Vicious Animal Hearing

Where there exists evidence sufficient to give rise to the suspicion that a dog or other animal, the Supervisor shall conduct a hearing for the purpose of determining whether the dog or other animal is a vicious animal.* The Supervisor shall notify the owner of the animal, and may notify any interested parties of the time and place of hearing. At such hearing the owner and any interested party shall be given the opportunity to present any evidence relevant to the issue. After such hearing the Supervisor is empowered to declare such dog or other animal to be a vicious animal. All hearings shall be conducted in accordance with the APA [Administrative Procedure Act, 1 CMC §§ 9101, et seq.].

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*So in original.

Modified, 1 CMC § 3806(d).

History: Adopted 25 Com. Reg. 20220 (May 29, 2003); Emergency and Proposed 25 Com. Reg. 20007 (Feb. 28, 2003) (effective for 120 days from Feb. 27, 2003); Proposed 19 Com. Reg. 15703 (Oct. 15, 1997).

§ 165-10.1-435 Disposition of Vicious Animals

Any dog or other animal declared to be a vicious animal may, at the discretion of the Supervisor, be humanely destroyed. Such humane destruction shall occur no earlier than ten days following notice given to the owner of such animal of intention to destroy, or if a hearing is held, no earlier than ten days after a decision has been issued in the same and after all rights to appeal have been exhausted.

Modified, 1 CMC § 3806(e).

History: Adopted 25 Com. Reg. 20220 (May 29, 2003); Emergency and Proposed 25 Com. Reg. 20007 (Feb. 28, 2003) (effective for 120 days from Feb. 27, 2003); Proposed 19 Com. Reg. 15703 (Oct. 15, 1997).

§ 165-10.1-440 Issuance of Rules and Regulations; Summary Destruction

(a) If, after the hearing provided in this subchapter, it is determined that the dog or other animal is vicious, the Supervisor, if he elects not to destroy the animal, may, through the issuance of an order, place conditions pertaining to the keeping and containing of such animal.

(b) If such dog or other animal is thereafter determined to be in violation of any of the terms of an order issued by the Supervisor pertaining to the keeping and containing of an animal found to be vicious, such animal shall be impounded and thereafter subject to destruction pursuant to §§ 165-10.1-430 and 165-10.1-435 after any and all hearings and appeals have been taken.

Modified, 1 CMC § 3806(c), (d).

History: Adopted 25 Com. Reg. 20220 (May 29, 2003); Emergency and Proposed 25 Com. Reg. 20007 (Feb. 28, 2003) (effective for 120 days from Feb. 27, 2003); Proposed 19 Com. Reg. 15703 (Oct. 15, 1997).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) and (b).

Part 500 - Fee Schedule

§ 165-10.1-501 Fee Schedule

This fee schedule is authorized by the regulations promulgated pursuant to Saipan Local Law No. 9-12.

(a) License Fees

TITLE 165: LOCAL RULES AND REGULATIONS; SAIPAN AND NORTHERN ISLANDS (THIRD SENATORIAL DISTRICT)

	Non Altered	Altered	Senior Citizen
1 Year License	\$10.00	\$6.00	\$5.00
2 Year License	\$18.00	\$10.00	\$8.00
3 Year License	\$26.00	\$14.00	\$10.00
4 Year License	\$34.00	\$18.00	\$12.00
5 Year License	\$42.00	\$24.00	\$15.00

†Senior citizens must be 60 years of age and own an altered dog.

(b) Redemption Fees (within a 12 month period)

	Impound	Board (per day)
1st Impound	\$16.00	\$5.00
2nd Impound	\$32.00	\$5.00
3rd Impound	\$47.00	\$5.00
Special Impound (after hours)	\$47.00	\$5.00
Penalty Fee	\$20.00	

†Senior citizen with an altered animal: Impound fee is 50% of applicable impoundment fee, plus \$5.00 per day board.

(c) Adoption Fees

Dogs over 4 Months		Dogs under 4 Months	
Adoption Fee	\$20.00	Adoption Fee	\$20.00
Alter Deposit	\$20.00	Alter Deposit	\$20.00
Parvo Deposit	\$10.00		
	<u>\$50.00</u>		<u>\$50.00</u>

†Deposits Alter Deposit: \$15.00 refundable upon proof of alter.

 Parvo Deposit: \$10.00 refundable upon proof of vaccination.

†Refunds Proof of alter and/or vaccination must be provided within 30 days of adoption in order to receive a refund.

†A license must be purchased for any dog over four months of age.

(d) Owner Animal Turn-in

Alive \$26.00

Dead \$16.00

Modified, 1 CMC § 3806(f).

History: Adopted 25 Com. Reg. 20220 (May 29, 2003); Emergency and Proposed 25 Com. Reg. 20007 (Feb. 28, 2003) (effective for 120 days from Feb. 27, 2003); Proposed 19 Com. Reg. 15703 (Oct. 15, 1997).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) through (d).