

**TITLE 170: LOCAL RULES AND REGULATIONS; TINIAN AND AGUIGUAN
(SECOND SENATORIAL DISTRICT)**

**SUBCHAPTER 170-20.4
POLICIES AND REGULATIONS OF THE TINIAN MUNICIPAL PARK RANGERS**

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Subchapter Authority: 10 CMC § 2342.

Subchapter History: Adopted 29 Com. Reg. 27490 (Nov. 19, 2007); Proposed 29 Com. Reg. 27132 (Oct. 17, 2007).

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 CMC § 5106(e).

Tinian Local Law 15-08 (effective July 17, 2007), the “Tinian and Aguiguan Municipal Park Rangers Act of 2007,” codified at 10 CMC § 2342, creates a park rangers division in the Office of the Mayor of Tinian and Aguiguan, and instructs the Office of the Mayor to adopt rules and regulations as necessary for the proper administration of the division.

Part 001 - General Provisions

§ 170-20.4-001 Purpose

These regulations are promulgated to provide lawful instructions for the administration of the

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Tinian Park Rangers Act of 2007 - Tinian Local Law 15-08 [10 CMC § 2342].

History: Adopted 29 Com. Reg. 27490 (Nov. 19, 2007); Proposed 29 Com. Reg. 27132 (Oct. 17, 2007).

§ 170-20.4-005 Definitions

As used in these regulations, the following definitions apply:

- (a) “Municipal Park” means an area set apart and designated as a municipal park by the Office of the Mayor of Tinian & Aguiguan including any public facilities located within the boundaries of the park.
- (b) “Fund” means the Municipality of Tinian & Aguiguan Municipal Park Rangers fund.
- (c) “Recreation Facilities” means all public sports and recreation facilities and outdoor sports and recreation areas and fields and adjoining sports facilities and shall include areas so specified and used for hiking, jogging, nature tours or exhibitions, or any other public use of such a facility so designated by the Mayor.
- (d) “Mayor” means the Mayor of Tinian & Aguiguan.
- (e) “Person” means any individual, estate, corporation, company, joint venture, association, partnership, trust, receiver, club, syndicate, cooperative association, or any other entity.
- (f) “Enforcement Park Ranger” means any person designated by the Mayor from within the ranks of the Division of Municipal Park Rangers and charged with enforcement duties of these regulations.
- (g) “Taotao Tinian Fee” means any fee charged for use or service to a local resident of the Municipality of Tinian & Aguiguan which is at a reduced rate from that charged for general admission of all others. Residency can be proven by holding a Tinian Personal Identification Card.

History: Adopted 29 Com. Reg. 27490 (Nov. 19, 2007); Proposed 29 Com. Reg. 27132 (Oct. 17, 2007).

Commission Comment: The Commission corrected the capitalization of the words “municipal park” in subsection (a) pursuant to 1 CMC § 3806(f). The Commission inserted commas after the words “exhibitions” in subsection (c) and “association” in subsection (e) pursuant to 1 CMC § 3806(g). The Commission inserted a period at the end of subsection (d) pursuant to 1 CMC § 3806(g).

§ 170-20.4-010 Establishment

- (a) Under authority of Tinian Local Law 15-08, the Mayor of Tinian & Aguiguan hereby creates and establishes within the Office of the Mayor of Tinian & Aguiguan a Division of Municipal Park Rangers. Such unit shall be staffed by personnel selected by the Mayor for their ability to carry out the duties as described in section 170-20.4-015. The Division shall number as

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required by the Mayor to carry out appropriate management and operation of designated Municipal Parks and shall have, from within its ranks, designated the required number of supervisory, clerical, enforcement and other personnel as necessary and as required and approved by the Mayor.

(1) The Mayor may select one person to act as director of the unit and as many subordinate supervisors as needed to adequately manage the various subdivisions, as created by the Mayor within the unit.

(2) The Mayor may select sufficient personnel to handle anticipated administrative duties of the unit.

(3) The Mayor may select sufficient personnel to handle anticipated general maintenance duties of the unit.

(4) The Mayor may select sufficient personnel to handle anticipated general construction of facilities and shall assure that selected personnel have the requisite skills for the anticipated construction.

(5) The Mayor may select sufficient personnel to carry out the enforcement provisions of these regulations.

(i) Selected personnel may be afforded an appropriate “uniform” which may be designed by the Mayor or his/her designee and which shall be appropriate and uniquely recognizable with appropriate identification paraphernalia such as embroidered patches or badges.

(ii) Selected personnel shall not be authorized as having “police” powers, nor the authority to carry any weapon and shall be designated as “Enforcement Park Rangers.”

(6) The Mayor may select additional personnel as needed for specific duties as required to carry out these regulations such as, but not limited to, duly authorized litter control officers, duly authorized and trained life guards (beach areas), equipment operators (if different from maintenance personnel), planning and design personnel, specifically required skills such as electricians or plumbers, and personnel specifically required for the care and maintenance of plants and animals.

(b) The Mayor shall, in consultation with the Municipal Treasurer and Municipal Budget and Planning Officers, set aside appropriate funding to establish the division and maintain personnel to staff required positions and such funding shall become a specific line item budgetary item for each year hereafter.

History: Adopted 29 Com. Reg. 27490 (Nov. 19, 2007); Proposed 29 Com. Reg. 27132 (Oct. 17, 2007).

Commission Comment: The paragraphs of this section were undesignated in the original regulation. The Commission designated them as subsections (a) and (b) pursuant to 1 CMC § 3806(a). The Commission substituted section numbers pursuant to 1 CMC § 3806(d). The Commission corrected the capitalization of the words “Local Law” in subsection (a) pursuant to 1 CMC § 3806(f). The Commission struck the figure “1” from subsection (a)(1) pursuant to 1 CMC § 3806(e). The Commission inserted commas after the words “enforcement” in subsection (a) and “plumbers” in subsection (a)(6) pursuant to 1 CMC § 3806(g).

§ 170-20.4-015 Duties

(a) The Division of Municipal Park Rangers personnel shall, within designated municipal parks:

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- (1) Have the care, charge, control, and supervision of municipal parks and the recreational facilities therein.
 - (2) Manage, maintain, landscape, and beautify municipal parks and recreational facilities therein.
 - (3) Erect and maintain structures, signs, and facilities at municipal parks and recreational facilities for the enjoyment, protection, and safety of CNMI residents and visitors.
 - (4) Install, maintain, and operate any equipment that will enhance the operation of facilities within the parks or otherwise control or conserve the natural resources within the parks or eliminate, reduce or transfer the cost of operation of any facility, including, but not limited to, utilities, from the Mayor's Office to the users of the facility or park.
 - (5) Permit the use of municipal parks and recreational facilities by CNMI residents and visitors pursuant to these rules and regulations or specific rules established for any specific municipal park or facility.
 - (6) Permit the use of municipal parks and recreational facilities by vendors and concessionaires pursuant to these rules and regulations.
 - (7) Collect permit fees and security deposits from concessionaires, vendors, and authorized groups as well as collect reasonable user and permit fees and admission charges from the public or other park users to recover the cost of managing, maintaining, landscaping, and beautifying municipal parks and their recreational facilities as set forth in parts 100 and 200, which fees and other charges shall be deposited into a Municipal Parks and Recreation Fund account with the Treasurer as prescribed in part 300 of these regulations.
 - (8) Enforce violations as set forth in section 170-20.4-401 through the use of an appropriate summons (citation) as required by the CNMI Superior Court and as set forth in section 170-20.4-405(e) and with the fines for each violation subject to the amount provided in section 170-20.4-410 of these regulations.
- (b) Employees of the Division of Municipal Park Rangers may provide protection and support for facilities, persons, plants, animals, structures, appurtenances, and other items in areas outside of any designated municipal park of the Municipality of Tinian & Aguiguan that is open to public use provided:
- (1) That such presence is needed or desired when other agencies or enforcement units do not have or maintain substantial presence or ability for the protection of the public and facilities within the area such as public beaches or parks, and
 - (2) The presence of Division of Municipal Park Ranger employees does not interfere with, overlap, or otherwise infringe upon the duties and activities then currently active or in progress by authorized personnel from other divisions or agencies, and
 - (3) In no case shall any Division of Municipal Park Rangers employee be authorized to enforce the regulations or rules of any other agency or division nor shall any part of these regulations be construed or allowed to countermand, overlap, supersede, or reduce the effectiveness or validity of any rules, regulations, or acts of law as used by any other agency or entity at the state or federal level, and
 - (4) Any act by any person which may be an illegal act as regulated by any other division, agency, or entity at any higher level whether in a municipal park or other area and that act is observed by any employee of the Division of Municipal Park Rangers, it shall be reported by that municipal employee to appropriate officers or agencies having jurisdiction over the act with

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appropriate details for action as needed.

(c) By permission and authorization of other agencies having proper jurisdiction over non-municipal park areas, the Division of Municipal Park Rangers may install such equipment as indicated in subsection (a)(4) in non-municipal areas when it is necessary to reduce, defray, or eliminate operational costs borne by the Mayor's Office in those areas.

History: Adopted 29 Com. Reg. 27490 (Nov. 19, 2007); Proposed 29 Com. Reg. 27132 (Oct. 17, 2007).

Commission Comment: The Commission substituted section numbers pursuant to 1 CMC § 3806(d). The Commission corrected the capitalization of the words "municipal" and "park" in subsections (a), (a)(1), (a)(2), (a)(3), (a)(5), (a)(6), (a)(7), (b), and (b)(4) and "state" and "federal" in subsection (b)(3) pursuant to 1 CMC § 3806(f). The Commission inserted commas after the words "signs" and "protection" in subsection (a)(3), "maintain" in subsection (a)(4), "vendors" and "landscaping" in subsection (a)(7), "appurtenances" in subsection (b), "overlap" in subsection (b)(2), "supersede" and "regulations" in subsection (b)(3), "agency" in subsection (b)(4), and "defray" in subsection (c) pursuant to 1 CMC § 3806(g).

§ 170-20.4-020 Record Keeping

The supervisor of personnel for the Division of Municipal Park Rangers shall keep appropriate records of all daily activities within the parks, including, but not limited to, construction, development of facilities, wildlife care, general park activities, and visitor information. There shall also be a system in place for recording of admission charges and fees and the deposit of said charges and fees with the Municipal Parks and Recreation fund account.

History: Adopted 29 Com. Reg. 27490 (Nov. 19, 2007); Proposed 29 Com. Reg. 27132 (Oct. 17, 2007).

§ 170-20.4-025 Admission Fees

(a) Temporary Admission (less than 12 hours) Fee: A fee for temporary admission other than a vendor, concessionaire, or organized government activity of ten or more persons, to any regulated municipal park or portion of a municipal park or facility where the area of admission is a limited access enclosure shall be:

- (1) The fee for admission for any minor (less than 18 years) shall be \$2.00.
- (2) The fee for admission for any senior (over 60 years) shall be \$3.00.
- (3) The fee for admission for any person with a legally authorized and documented disability shall be \$3.00.
- (4) The fee for all other admissions shall be \$5.00.
- (5) A Taotao Tinian Fee equal to 50% of the fees in subsections (a)(1) through (a)(4) may be charged for any person showing proof of residency on Tinian or Aguiguan.

History: Adopted 29 Com. Reg. 27490 (Nov. 19, 2007); Proposed 29 Com. Reg. 27132 (Oct. 17, 2007).

Commission Comment: The Commission struck the figure "10" from subsection (a) pursuant to 1 CMC § 3806(e). The Commission corrected the capitalization of the words "municipal park" in subsection (a) and "fee" in subsection (a)(3) pursuant to 1 CMC § 3806(f). The Commission inserted a comma after the word "concessionaire" in subsection (a) pursuant to 1 CMC § 3806(g).

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The original regulation did not designate any subsections other than (a).

Part 100 - Permits

§ 170-20.4-101 Permit Fees

The Mayor or the Division of Municipal Park Rangers may require a person to obtain a permit for the temporary exclusive use of any designated municipal park, portion thereof, or its associated recreational facilities. For each permit, the Division of Municipal Park Rangers shall impose:

- (a) **User Fees:** A reasonable user fee as set forth in part 200 and its subparts to recover the cost of administering the fee system and managing, maintaining, landscaping, and beautifying municipal parks or their recreational facilities; and
- (b) **Security Deposits:** A reasonable security deposit as set forth in part 200 and its subparts to be retained by the Municipal Treasury to the extent the municipal park or recreational facility is damaged and such damage is caused by the activities of such person, vendor, concessionaire, or government group during the exclusive use of the park or recreational facility.
 - (1) “Damage” may include any physical harm or destruction to facilities, plants, animals, or fixtures, including utilities and connections.
 - (2) “Damage” may also include graffiti, littering, failure to remove garbage, or any failure to vacate the premise in a condition as good or better than it was prior to occupation.
- (c) **Other Conditions:** Fees and security deposits retained under this section shall be deposited in the Division of Municipal Park Rangers fund account.

History: Adopted 29 Com. Reg. 27490 (Nov. 19, 2007); Proposed 29 Com. Reg. 27132 (Oct. 17, 2007).

Commission Comment: The Commission substituted section numbers pursuant to 1 CMC § 3806(d). The Commission corrected the capitalization of the words “municipal park” in the initial paragraph and subsections (a) and (b) pursuant to 1 CMC § 3806(f). The Commission inserted commas after the words “animals” in subsection (b)(1) and “garbage” in subsection (b)(2) pursuant to 1 CMC § 3806(g). The Commission titled this section.

§ 170-20.4-105 Forms Required

The Mayor shall develop an appropriate “form” to be used for the purpose of authorizing a user to occupy or carry out certain authorized acts within any municipal park and such “form,” henceforth known as a “permit,” shall designate, at a minimum:

- (a) Any restrictions or conditions of use;
- (b) Fees or deposits due;
- (c) Authorized dates of use;

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- (d) Areas of authorized use;
- (e) Complete name(s) of all authorized users; and
- (f) The name of the authorized issuer.

History: Adopted 29 Com. Reg. 27490 (Nov. 19, 2007); Proposed 29 Com. Reg. 27132 (Oct. 17, 2007).

Commission Comment: The Commission corrected the capitalization of the words “municipal park” in the initial paragraph and the opening words of subsections (a) through (f) pursuant to 1 CMC § 3806(f). The Commission moved punctuation inside quotation marks in the initial paragraph and corrected the punctuation at the ends of subsections (a) through (e) to semicolons pursuant to 1 CMC § 3806(g).

§ 170-20.4-110 Display of Permit

(a) After any required fees and/or security deposits have been collected and an exclusive use permit issued, the Division of Municipal Park Rangers shall post appropriate notification, at least eight hours in advance, in sufficient places near or around the area assigned for exclusive use to notify all other potential users that the area is reserved exclusively for use by the permittee at the time and date assigned.

(b)(1) Enforcement Park Rangers may enforce the exclusive use rules or their provisions within the exclusive use area by causing unauthorized persons or groups to leave the reserved area, through issuance of a citation if necessary.

(2) Such notification(s) shall be removed by the Division of Municipal Park Rangers promptly after the exclusive use area is vacated.

History: Adopted 29 Com. Reg. 27490 (Nov. 19, 2007); Proposed 29 Com. Reg. 27132 (Oct. 17, 2007).

Commission Comment: The paragraphs of this section were undesignated in the original regulation. The Commission designated them as subsections (a) and (b) pursuant to 1 CMC § 3806(a). The Commission struck the figure “8” from subsection (a) pursuant to 1 CMC § 3806(e).

§ 170-20.4-115 Government Groups

Permits issued for any group of ten or more organized employees of any governmental unit, other than for conduct of official business, shall also comply with the provisions of part 500 of these regulations.

History: Adopted 29 Com. Reg. 27490 (Nov. 19, 2007); Proposed 29 Com. Reg. 27132 (Oct. 17, 2007).

Commission Comment: The Commission substituted section numbers pursuant to 1 CMC § 3806(d). The Commission struck the figure “10” pursuant to 1 CMC § 3806(e).

Part 200 - Permit Fees and Security Deposits

§ 170-20.4-201 Exclusive Use Permit Fees and Security Deposits

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Fees for permits and security deposits, other than a vendor, concessionaire, or organized government activity of ten or more persons, for exclusive use of any regulated municipal park or portion of a municipal park or facility, whether enclosed or not, shall be (see also part 500 for organized government activities of ten or more persons and sections 170-20.4-205 and 170-20.4-210 for vendors and concessionaires):

(a) The permit fee for exclusive use of any part of any municipal park (such as for camping, organized gatherings such as parties, meetings or any organized semi-resident presence) shall be \$50 per day (12 A.M. To 12 P.M.) or fraction thereof.

(b) The security deposit for the activities as described in subsection (a) shall be \$75 for up to two full days and \$150 for residence of three days to seven days. Special arrangements may be authorized by the Mayor for longer periods, except that in no case shall the security deposit be less than \$20 per day or more than \$50 per day.

(1) Any collected security deposit or portion thereof shall be subject to forfeiture when park maintenance personnel determine, after the area of exclusive use is vacated, that the area, grounds, plants, animals, or facilities have been damaged or harmed to such extent as to require restoration or replacement and such damage or harm can be demonstrated to have been caused or facilitated by the permittee or persons under control or authority of the permittee or funds or personnel time is expended for such restorative or corrective action.

(2) To the extent such damage exceeds the amount of the security deposit, the permittee may be required to reimburse the Municipality for such costs. The Mayor or his/her designee may cause such action through issuance of a summons or presentation of a demand notice.

(3) To the extent that damages do not exceed the paid security deposit or there are no damages, as described in subsections 170-20.4-101(b)(1) and (b)(2) that portion of the security deposit or the entire security deposit shall be refunded to the permittee within five business days.

History: Adopted 29 Com. Reg. 27490 (Nov. 19, 2007); Proposed 29 Com. Reg. 27132 (Oct. 17, 2007).

Commission Comment: The Commission substituted section numbers pursuant to 1 CMC § 3806(d). The Commission struck the figures “10” from the initial paragraph, “2,” “3,” and “7” from subsection (b), and “5” from subsection (b)(3) pursuant to 1 CMC § 3806(e). The Commission corrected the capitalization of the words “municipal park” in the initial paragraph and subsection (a) pursuant to 1 CMC § 3806(f). The Commission inserted commas after the words “concessionaire” in the initial paragraph and “animals” in subsection (b)(1) pursuant to 1 CMC § 3806(g).

§ 170-20.4-205 Vendors and Concessionaire User Fees

Fees for vendors and concessionaires offering for sale any product or service within any municipal park or portion thereof or facility, whether enclosed or not, shall be:

(a) Any vendor or concessionaire offering for sale any product or service from a stationary location within any municipal park, portion thereof, or facility shall pay a one-time fee of \$100.00 for any single event of not more than five days duration.

(b) Any vendor or concessionaire offering for sale any product or service from a stationary

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location within any one municipal park, portion thereof, or facility on a continuing basis shall pay a yearly fee of \$500.00 and shall be allowed to operate during any hours he/she so chooses for a period of one year from the date of issuance.

(c) The following restrictions shall apply to subsections (a) and (b) above:

(1) The Division of Municipal Park Rangers shall select the location for the vendor or concessionaire based on the type of product or service offered and its effect on park users, other vendors or concessionaires and the park or facility itself.

(2) The Division of Municipal Park Rangers shall specify alterations that may be allowed to any municipal facility such as, but not limited to, a booth, stall, or building and those alterations not permitted for each event or location.

(3) The Division of Municipal Park Rangers shall specify the exact type, size, location, and form of any construction permitted for any vendor or concessionaire that does not occupy a municipal booth, stall, or building and may deny the use or construction of any facility not of municipal origin or of acceptable conformance to municipal standards of safe construction or adherence to building, safety and health and/or fire codes.

(4) Non-stationary, or “roving” vendors and concessionaires shall not be permitted.

History: Adopted 29 Com. Reg. 27490 (Nov. 19, 2007); Proposed 29 Com. Reg. 27132 (Oct. 17, 2007).

Commission Comment: The Commission substituted section numbers pursuant to 1 CMC § 3806(d). The Commission corrected the capitalization of the words “municipal” in the initial paragraph and subsections (b) and (c)(3) and “park” in the initial paragraph and subsections (a) and (b) pursuant to 1 CMC § 3806(f). The Commission struck the figure “1” from subsection (b) pursuant to 1 CMC § 3806(e). The Commission struck the duplicated number “five” from subsection (a) and inserted commas after the words “thereof” in subsections (a) and (b), “stall” in subsections (c)(2) and (c)(3), and “location” in subsection (c)(3) pursuant to 1 CMC § 3806(g).

§ 170-20.4-210 Vendor and Concessionaire Security Deposits

Any vendor or concessionaire offering for sale any product or service from within any municipal park, portion thereof, or facility shall be required to pay a security deposit and obtain an exclusive use permit as follows:

(a) For any one-time event of five days duration or less, every vendor or concessionaire shall pay a security deposit of \$200.00.

(b) Any vendor or concessionaire operating under subsection 170-20.4-205(b) above, shall pay a security deposit of \$200.00.

(1) An employee of the Division of Municipal Park Rangers may, at any time, conduct an inspection of the vendor’s operation station for compliance with permit provisions.

(2) If any vendor or concessionaire is deemed to have caused damage to the area of operation, and a portion or all of the security deposit is forfeited, the vendor or concessionaire shall be required to restore the level of the security deposit to \$200.00 or he/she may be required to vacate the area of operation.

History: Adopted 29 Com. Reg. 27490 (Nov. 19, 2007); Proposed 29 Com. Reg. 27132 (Oct. 17, 2007).

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Commission Comment: The Commission corrected the capitalization of the words “municipal park” in the initial paragraph pursuant to 1 CMC § 3806(f). The Commission struck the figure “5” from subsection (a) pursuant to 1 CMC § 3806(e). The Commission inserted a comma after the word “thereof” in the initial paragraph pursuant to 1 CMC § 3806(g).

§ 170-20.4-215 Collection of Fees and Deposits

(a) All fees and deposits shall be collected at the office of the Division of Municipal Park Rangers and subsequently deposited to the Municipal Parks and Recreation Fund account.

(b) Payment Prior To Use: All required fees and deposits shall be collected at least 12 hours prior to issuance of any permit.

History: Adopted 29 Com. Reg. 27490 (Nov. 19, 2007); Proposed 29 Com. Reg. 27132 (Oct. 17, 2007).

§ 170-20.4-220 Exclusivity

No person or group shall claim exclusive use of any municipal park, portion thereof, or facility unless an exclusive use permit has been duly authorized and issued by the Division of Municipal Park Rangers.

History: Adopted 29 Com. Reg. 27490 (Nov. 19, 2007); Proposed 29 Com. Reg. 27132 (Oct. 17, 2007).

Commission Comment: The Commission corrected the capitalization of the words “municipal park” pursuant to 1 CMC § 3806(f). The Commission inserted a comma after the word “thereof” pursuant to 1 CMC § 3806(g).

§ 170-20.4-225 First Come, First Serve Rule

(a) No person or group, other than a vendor, concessionaire, or organized government group of ten or more, shall be required to obtain an exclusive use permit and shall be allowed “open” use of municipal parks and facilities on a “first come, first serve” basis, provided:

(b) No person or group may “reserve” any municipal park, portion of a municipal park, or facility through physical occupation or presence or by any other method prior to commencement of activity for which their “reservation” was intended whether an exclusive use permit has been issued or not.

(c) No person or group may remain in or occupy any municipal park, portion of a municipal park, or facility for longer than sixteen consecutive hours unless an exclusive use permit has been obtained and any required fee or security deposit has been paid.

History: Adopted 29 Com. Reg. 27490 (Nov. 19, 2007); Proposed 29 Com. Reg. 27132 (Oct. 17, 2007).

Commission Comment: The initial paragraph was undesignated in the original regulation. The Commission designated it as subsection (a) pursuant to 1 CMC § 3806(a). The Commission corrected the capitalization of the words “municipal park” in all subsections pursuant to 1 CMC § 3806(f). The Commission struck the figures “10” from subsection (a) and “16” from subsection (c) pursuant to 1 CMC § 3806(e). The Commission inserted commas after the words “concessionaire” in subsection (a) and “park” in subsections (b) and (c) pursuant to 1 CMC

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§ 3806(g).

§ 170-20.4-230 Executive Authority for Exclusive Events

The Mayor or the Division of Municipal Park Rangers may designate, from time to time as needed, any municipal park, portion thereof, or facility for the presentation of exclusive events or other sanctioned activities and may charge admission fees as per section 170-20.4-025(a) and may exclude persons or groups from the area unless the admission fee is paid and/or where admission is by invitation only.

History: Adopted 29 Com. Reg. 27490 (Nov. 19, 2007); Proposed 29 Com. Reg. 27132 (Oct. 17, 2007).

Commission Comment: The Commission substituted section numbers pursuant to 1 CMC § 3806(d). The Commission corrected the capitalization of the words “municipal park” pursuant to 1 CMC § 3806(f). The Commission inserted a comma after the word “thereof” pursuant to 1 CMC § 3806(g). The Commission titled this section.

Part 300 - Revolving Fund

§ 170-20.4-301 Establishment of Revolving Fund

- (a) A Municipal Parks and Recreation Fund account shall be established and maintained separate and apart from other funds of the Municipality and independent records and accounts shall be maintained in connection therewith.
- (b) All moneys received pursuant to sections 170-20.4-025 through 170-20.4-230 of these regulations shall be deposited in the fund.
- (c) Moneys in the fund shall only be expended to manage, maintain, landscape and beautify municipal parks and recreation facilities and to erect and maintain structures, signs and facilities, including roadways, pathways or trails at municipal parks and recreation facilities.
- (d) The expenditure authority of the funds shall be the Mayor.

History: Adopted 29 Com. Reg. 27490 (Nov. 19, 2007); Proposed 29 Com. Reg. 27132 (Oct. 17, 2007).

Commission Comment: The Commission substituted section numbers pursuant to 1 CMC § 3806(d). The Commission corrected the capitalization of the words “municipal parks” in subsection (c) pursuant to 1 CMC § 3806(f).

Part 400 - Enforcement

§ 170-20.4-401 Prohibition

The following acts shall be prohibited and shall constitute a punishable offense and a summons shall be issued to the alleged violator for actions specified below.

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- (a) It shall be prohibited for any person to cause or make do any act of vandalism or harm against any structure or plant or animal or any feature, temporary or permanent, of any municipal park such as, but not limited to, graffiti or physical damage.
- (b) It shall be prohibited for any person to cause or make do any act of littering within any municipal park.
- (c) It shall be prohibited for any person, other than a duly authorized police officer or military personnel during execution of official requirements, to carry or discharge any firearm or other lethal weapon within any designated municipal park or recreational facility.
- (d) It shall be prohibited for any person to remove, alter, or damage any duly posted permit or other posted sign within any municipal park or facility or to post any unauthorized signs, notices, or billboards.
- (e) It shall be prohibited for any person to cause or make do any act of destruction of any structure or monument or pen, cage or enclosure or trail or wall or other facility, whether temporary or permanent within a municipal park.
- (f) It shall be prohibited for any person to cause or make do the building of any fire outside of a designated fireplace or contrary to the express orders of park personnel that may endanger the well being of any municipal park, its facilities, personnel, visitors, animals, or plants.
- (g) It shall be prohibited for any person to commit the act of breaking and entering, or theft of any item not belonging to that person from within any municipal park, portion thereof, or facility.
- (h) It shall be prohibited for any person to cause or make do any act of cruelty, physical harm, suffering or death of any protected animals within any municipal park and/or the destruction or harm to any plants within any municipal park except that any duly authorized police officer, dog control officer, or other regulatory control officer, in the performance of his/her necessary duties, shall be exempt from this provision.

History: Adopted 29 Com. Reg. 27490 (Nov. 19, 2007); Proposed 29 Com. Reg. 27132 (Oct. 17, 2007).

Commission Comment: The Commission corrected the capitalization of the words “municipal park” in all subsections and “recreational facility” in subsection (c) pursuant to 1 CMC § 3806(f). The Commission inserted commas after the words “alter” and “notices” in subsection (d), “animals” in subsection (f), and “thereof” in subsection (g) pursuant to 1 CMC § 3806(g).

§ 170-20.4-405 Enforcement

Personnel, duly designated as “Enforcement Park Rangers” by the Mayor shall enforce these regulations and any violations thereto.

- (a) Citation for Violation: Enforcement Park Rangers shall issue a citation to any person

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violating the provisions of these regulations in a designated municipal park in his/her presence.

(b) Citation on Reasonable Belief: Enforcement Park Rangers shall issue a citation to any person for violation of any provision of these regulations if he/she has reasonable belief that such person did violate any such regulations while in a municipal park.

(c) Basis for Reasonable Belief: Any reasonable belief may be based upon a written statement provided by a person who witnessed any violation of these regulations or by physical evidence found that indicates such a violation did occur.

(d) Appearance in Court: Any person(s) so cited for violations of the regulations shall be served with a citation (summons) by the issuing official and ordered to appear at the Commonwealth Superior Court for a hearing. Citations shall be filed with the Clerk of the Superior Court.

(e) Forms Required: The Mayor shall draft or cause to be drafted an appropriate form to be used as a “summons,” more commonly referred to as a “citation” and submit said form to the CNMI Superior court for approval.

(1) Such form shall follow the general format and appearance of “citations” currently issued by the CNMI Department of Public Safety for traffic offenses and shall contain, at a minimum, information to clearly:

- (i) Establish the nature of any violation;
- (ii) Appropriate sections of the regulations violated;
- (iii) Time of alleged violation;
- (iv) Date of alleged violation;
- (v) Place of the alleged offense;
- (vi) The name and appropriate contact information of the accused;
- (vii) Notify the accused of the time and date for appearance.

History: Adopted 29 Com. Reg. 27490 (Nov. 19, 2007); Proposed 29 Com. Reg. 27132 (Oct. 17, 2007).

Commission Comment: The Commission corrected the capitalization of the words “municipal park” in subsections (a) and (b) pursuant to 1 CMC § 3806(f). The Commission moved punctuation inside quotation marks in subsection (e) pursuant to 1 CMC § 3806(g). The Commission corrected the capitalization of words at the beginning of, and punctuation at the end of, subsections (e)(1)(i) through (e)(1)(vii) pursuant to 1 CMC § 3806(g).

§ 170-20.4-410 Penalties

(a) The penalty for violations of subsections 170-20.4-401(a) through (d) shall be \$200.00.

(b) The penalty for violations of subsections 170-20.4-401(e) and (f) shall be \$500.00.

(c) The penalty for violations of subsections 170-20.4-401(g) and (h) shall be \$1000.00.

History: Adopted 29 Com. Reg. 27490 (Nov. 19, 2007); Proposed 29 Com. Reg. 27132 (Oct. 17, 2007).

Commission Comment: The paragraphs of this section were undesignated in the original regulation. The

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Commission designated them as subsections (a) through (c) pursuant to 1 CMC § 3806(a). The Commission substituted section numbers pursuant to 1 CMC § 3806(d). The Commission corrected the capitalization of the word “penalty” in subsections (b) and (c) pursuant to 1 CMC § 3806(f).

Part 500 - Interagency Notification and Coordination

§ 170-20.4-501 Issuance of Permit

(a) Any department, agency, or division of any municipal, CNMI or United States federal government that wishes to use or occupy any designated municipal park, portion of a municipal park, or facility within a municipal park for any organized activity, other than official duty (see section 170-20.4-510(a) below), consisting of ten or more individuals is required to consult with the Mayor of Tinian & Aguiguan regarding such usage.

(b) Notification of intent to use all or any portion of any municipal park or facility shall be delivered in writing by mail, by hand, by facsimile or by e-mail no less than 72 hours prior to commencement of any activity.

(c) Such notification shall contain all pertinent information relating to the intended use and shall, at a minimum, describe the intended use, the name of the group or individual users, the intended length of stay, the anticipated number of persons involved, the use of any facilities and/or equipment of the Municipality, the use of any non-municipal equipment or vehicles within the park or facility, and any anticipated effects that may accrue to the park or facility by such usage.

(d) Such notification shall also contain any information regarding possible effects on the immediate area surrounding the requested facility or park such as traffic congestion, noise, atmospheric emissions, the need for municipal resources, use of utilities, and any other effect that may cause a temporary or permanent disruption of normal activities for the time period being requested.

(e) The Mayor or his/her designee may respond in writing to the request or ask the requesting person or group representative(s) to present further information or appear at the Mayor’s office for consultation.

(f) Once satisfied that no detrimental effects of the intended usage may cause permanent damage or harm to the municipal facility or park, the Mayor or Division of Municipal Park Rangers may issue an exclusive use permit for the requested usage. Said permit will delineate all required terms of usage, any required security deposits or any restrictions such as, but not limited to, traffic control, noise or time limits on operation.

History: Adopted 29 Com. Reg. 27490 (Nov. 19, 2007); Proposed 29 Com. Reg. 27132 (Oct. 17, 2007).

Commission Comment: The initial paragraph was undesignated in the original regulation. The Commission designated it as subsection (a) pursuant to 1 CMC § 3806(a). The Commission substituted section numbers pursuant to 1 CMC § 3806(d). The Commission corrected the capitalization of the words “municipal” in subsections (a), (b), (d), and (f), “park” in subsections (a), (b), (c), (d), and (f), “federal” in subsection (a), and “facility” in subsections

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(c) and (f) pursuant to 1 CMC § 3806(f). The Commission struck the figure “10” from subsection (a) pursuant to 1 CMC § 3806(e). The Commission inserted a close parenthesis in subsection (a) and a comma after the word “utilities” in subsection (d) pursuant to 1 CMC § 3806(g). The Commission titled this section.

§ 170-20.4-505 Fees

(a) The Division of Municipal Park Rangers shall charge a fee for an exclusive use permit as per section 170-20.4-201(a).

(b) A security deposit shall be required as per section 170-20.4-201(b) except:

(1) The security deposit shall be at the rate of \$50.00 per 10 persons up to a maximum of \$500.00 per day or portion thereof.

(2) The Mayor may waive all or any portion of required fees and/or security deposits if he/she deems that such activity will benefit the Municipality of Tinian & Aguiguan and that any detrimental effect of the usage will be reasonably negated by actions of the group.

History: Adopted 29 Com. Reg. 27490 (Nov. 19, 2007); Proposed 29 Com. Reg. 27132 (Oct. 17, 2007).

Commission Comment: The Commission substituted section numbers pursuant to 1 CMC § 3806(d). The Commission titled this section.

§ 170-20.4-510 Official Use

(a) Any department, agency, or division of any municipal, CNMI or United States federal government that wishes to use or occupy any designated municipal park, portion of a municipal park, or facility within a municipal park for any official duty such as, but not limited to, surveys, plant or animal control, enforcement of any law of regulation, placement or installation of equipment for monitoring or other action or other official duty shall notify and consult with the Mayor or the Division of Municipal Park Rangers regarding such intent.

(1) The Mayor or Division of Municipal Park Rangers may waive any user fees, permits, or security deposits.

(2) Required notification or consultation shall occur not less than 24 hours prior to commencement of the official activity.

(3) The Mayor or Division of Municipal Park Rangers may require safeguards, restoration, or repair if it appears that any permanent damage or harm may accrue to any item or thing in a municipal park, portion thereof, or facility.

(4) Nothing in these regulations shall preclude the ability of any law officer or regulatory enforcement officer from any other department from entering any municipal park, portion thereof, or facility for the purpose of lawful pursuit or apprehension of any person suspected of or wanted for any unlawful act.

(b) The Division of Municipal Park Rangers shall cooperate with and support any action sponsored, co-sponsored or undertaken with any other government agency at any level that will promote the proper use of municipal parks and activities therein or enhance programs offered or the facilities, equipment, and activities of any municipal park.

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History: Adopted 29 Com. Reg. 27490 (Nov. 19, 2007); Proposed 29 Com. Reg. 27132 (Oct. 17, 2007).

Commission Comment: The Commission corrected the capitalization of the words “municipal park” in subsections (a), (a)(3), (a)(4), and (b) and “federal” in subsection (a) pursuant to 1 CMC § 3806(f). The Commission inserted commas after the words “park” in subsection (a), “permits” in subsection (a)(1), “restoration” and “thereof” in subsection (a)(3), “thereof” in subsection (a)(4), and “equipment” in subsection (b) pursuant to 1 CMC § 3806(g).

Part 600 - Miscellaneous Provisions

§ 170-20.4-601 Tickets and Instructions

(a) Upon payment of any entry fee or exclusive use permit fee, a “ticket” or other identifying receipt shall be given and retained on the person of the visitor at all times while in the Municipal Park or exclusive use area. Instructions for behavior and activities while in a Municipal Park may be given to the visitor in the form of a printed brochure.

(b) The Mayor and his/her designated personnel shall have the right to refuse entry to any Municipal Park of any person at any time for failure to agree to and abide by any requirements contained in these regulations.

History: Adopted 29 Com. Reg. 27490 (Nov. 19, 2007); Proposed 29 Com. Reg. 27132 (Oct. 17, 2007).

Commission Comment: The paragraphs of this section were undesignated in the original regulation. The Commission designated them as subsections (a) and (b) pursuant to 1 CMC § 3806(a). The Commission corrected the capitalization of the words “municipal park” in subsections (a) and (b) pursuant to 1 CMC § 3806(f).

§ 170-20.4-605 Severability

If any provision of these regulations or the application of any such provision to any person or circumstance should be held invalid by a court of competent jurisdiction, the validity of the remainder of the regulations or the application of their provisions to any persons or circumstances other than those to which it is held invalid shall not be affected thereby.

History: Adopted 29 Com. Reg. 27490 (Nov. 19, 2007); Proposed 29 Com. Reg. 27132 (Oct. 17, 2007).