

TITLE 65: DIVISION OF ENVIRONMENTAL QUALITY

CHAPTER 65-60

LITTER CONTROL REGULATIONS

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Chapter Authority: 1 CMC §§ 2646-2649; 1 CMC § 2650; 2 CMC §§ 3411-3416.

Chapter History: Adopted 12 Com. Reg. 7381 (Sept. 15, 1990); Proposed 12 Com. Reg. 7153 (July 15, 1990).

Commission Comment: For a complete history of the authority of the Division of Environmental Quality, see the commission comment to NMIAC chapter 65-10.

PL 6-37 (effective Sept. 8, 1989), the “Commonwealth Litter Control Act of 1989,” codified as amended at 2 CMC §§ 3411-3416, charged the Division of Environmental quality with implementing a litter control program consistent with the provisions of the act. See 2 CMC § 3412.

Executive Order No. 2013-24, promulgated at 35 Com. Reg. 34596 (Nov. 28, 2013), established a new Bureau of Environmental and Coastal Quality. This Order reorganized the Division of Environmental Quality as a division of the Bureau of Environmental and Coastal Quality, and provided that “all rules, orders, contracts, and agreements relating to the assigned functions lawfully adopted prior to the effective date of this Executive Order shall continue to be effective until revised, amended, repealed or terminated.”

Part 001 - General Provisions

§ 65-60-001 Short Title

The rules and regulations in this chapter shall be cited as the Commonwealth Litter Control Regulations of 1990.

Modified, 1 CMC § 3806(d), (f).

History: Adopted 12 Com. Reg. 7381 (Sept. 15, 1990); Proposed 12 Com. Reg. 7153 (July 15, 1990).

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§ 65-60-005 Authority and Scope

The regulations in this chapter are promulgated by the Division of Environmental Quality (hereafter DEQ), within the Department of Public Health and Environmental Services, in accordance with Public Law 6-37, the Commonwealth Litter Control Act of 1989. These regulations shall have the force and effect of law, shall be binding on all persons and governmental entities subject to the jurisdiction of the Commonwealth Superior Court and shall apply to all public and private lands and waters of the Commonwealth of the Northern Mariana Islands (CNMI) unless otherwise provided for by law.

Modified, 1 CMC § 3806(d), (f).

History: Adopted 12 Com. Reg. 7381 (Sept. 15, 1990); Proposed 12 Com. Reg. 7153 (July 15, 1990).

Commission Comment: With respect to the reference to the Department of Public Health and Environmental Services, see Executive Order 94-3 (effective August 23, 1994) reorganizing the Commonwealth government executive branch, changing agency names and official titles and effecting numerous other revisions.

§ 65-60-010 Purpose

The regulations in this chapter shall govern specific governmental agencies duty, responsibility, and powers to implement the Litter Control Act of 1989. The regulations define prohibited acts, enforcement procedures, penalties and jurisdiction.

Modified, 1 CMC § 3806(d).

History: Adopted 12 Com. Reg. 7381 (Sept. 15, 1990); Proposed 12 Com. Reg. 7153 (July 15, 1990).

§ 65-60-015 Definitions

- (a) “Act”: means the Commonwealth Litter Control Act 1989.
- (b) “Apprehending officer”: shall mean designated employees of the Marianas Visitors Bureau, Department of Natural Resources, Coastal Resources Management Office, Department of Public Health and Environmental Services, Department of Public Works, Department of Public Safety and the Mayor’s office.
- (c) “Litter”: shall mean garbage, trash, rubbish, refuse, carcasses, construction materials, debris, or any other disposable item of whatever nature.
- (d) “Littering”: shall mean throwing, dropping, placing, depositing, sweeping, discarding, abandoning, or otherwise disposing of any litter on land or water in other than appropriate litter containers or areas designated for such purpose.
- (e) “Person”: shall mean the government of the United States or any agency or department thereof, or the government of the Commonwealth of the Northern Mariana

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Islands (CNMI) or any agency or department of any municipality thereof, any public and private institution, public or private corporation, association, partnership, or individual.

Modified, 1 CMC § 3806(f).

History: Adopted 12 Com. Reg. 7381 (Sept. 15, 1990); Proposed 12 Com. Reg. 7153 (July 15, 1990).

Commission Comment: The Commission inserted quotation marks around terms defined.

The Marianas Visitors Bureau, referenced in subsection (a), was replaced by the Marianas Visitors Authority in PL 11-15 (June 17, 1998).

Part 100 - Duties and Responsibilities

§ 65-60-101 Education and Coordination

The Division of Environmental Quality shall coordinate and implement educational programs to encourage anti-litter campaigns, design a CNMI anti-litter symbol, post anti-litter signs and make litter containers available for parks, beaches, public lands and highways in coordination with the Department of Public Works.

History: Adopted 12 Com. Reg. 7381 (Sept. 15, 1990); Proposed 12 Com. Reg. 7153 (July 15, 1990).

§ 65-60-105 Collection and Disposal

The Department of Public Works shall be responsible for the weekly collection and disposal of all garbage, refuse, litter, etc., deposited in litter containers. Any garbage collected shall be disposed of at a designated public landfill site. The Department of Public Works may contract with a private firm in order to perform duties under this section. The Department of Public Safety shall be responsible for the collection and proper disposal of all dead animals found on public roads or highways consistent with this section.

History: Adopted 12 Com. Reg. 7381 (Sept. 15, 1990); Proposed 12 Com. Reg. 7153 (July 15, 1990).

Commission Comment: The Commission corrected the phrase “and etc.,” to “etc.” pursuant to 1 CMC § 3806(g).

§ 65-60-110 Enforcement Training

The Department of Public Safety shall train all apprehending officers in those law enforcement skills necessary to enforce this chapter and Act. Periodic law enforcement seminars shall be held to train new apprehending officers and to update information on laws and procedures.

Modified, 1 CMC § 3806(d).

History: Adopted 12 Com. Reg. 7381 (Sept. 15, 1990); Proposed 12 Com. Reg. 7153 (July 15, 1990).

Part 200 - Prohibited Activities

§ 65-60-201 Littering on Public or Private Property

It is unlawful for any person to dump, throw, leave, or abandon any litter upon any public highway, street, alley, road, or any other public or private property unless permitted by law.

History: Adopted 12 Com. Reg. 7381 (Sept. 15, 1990); Proposed 12 Com. Reg. 7153 (July 15, 1990).

Commission Comment: The Commission created the section titles in part 200.

§ 65-60-205 Littering in CNMI Waters

It is unlawful for any person to dump, deposit, throw, leave, or abandon any litter into any bay, channel harbor, reservoir, lagoon, lake, stream, coastal waters, or any other CNMI waters.

History: Adopted 12 Com. Reg. 7381 (Sept. 15, 1990); Proposed 12 Com. Reg. 7153 (July 15, 1990).

Part 300 - Enforcement

§ 65-60-301 Citation for Littering

Any apprehending officer may cite any person for littering in his/her presence.

History: Adopted 12 Com. Reg. 7381 (Sept. 15, 1990); Proposed 12 Com. Reg. 7153 (July 15, 1990).

Commission Comment: The Commission created the section titles in part 300.

§ 65-60-305 Citation on Reasonable Belief

Any apprehending officer may cite any person for littering if he/she has reasonable belief that such person did litter.

History: Adopted 12 Com. Reg. 7381 (Sept. 15, 1990); Proposed 12 Com. Reg. 7153 (July 15, 1990).

§ 65-60-310 Basis for Reasonable Belief

Any reasonable belief may be based upon a written statement provided by a person who witnessed the littering or by physical evidence found at the littered area.

History: Adopted 12 Com. Reg. 7381 (Sept. 15, 1990); Proposed 12 Com. Reg. 7153 (July 15, 1990).

§ 65-60-315 Appearance in Traffic Court

(a) Any person apprehended for violation of this chapter or the Act shall be served with a citation by the apprehending officer and ordered to appear at the traffic court,

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Commonwealth Superior Court for a hearing. Citations shall be filed with the Attorney General's Office and the Clerk of the Superior Court.

(b) Parents or legal guardians shall assume financial responsibility for payment of any fines and removal of any litter assessed by the Superior Court for violations of this chapter or the Act by any minors under their care or custody.

Modified, 1 CMC § 3806(d).

History: Adopted 12 Com. Reg. 7381 (Sept. 15, 1990); Proposed 12 Com. Reg. 7153 (July 15, 1990).

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

§ 65-60-320 Penalties

Any person found to have littered shall be fined not less than \$200.00 nor more than \$500.00. Any person charged with a first violation of this chapter may post and forfeit bail in the amount of \$200.00 and avoid a court hearing. The court may order any person found to have littered to perform up to eight hours of community service in addition to any fine imposed. All fines shall be paid to the Clerk of the Commonwealth Superior Court.

Modified, 1 CMC § 3806(d), (e).

History: Adopted 12 Com. Reg. 7381 (Sept. 15, 1990); Proposed 12 Com. Reg. 7153 (July 15, 1990).

Part 400 - Miscellaneous Provisions

§ 65-60-401 Jurisdiction

The Commonwealth Superior Court shall have jurisdiction to hear cases brought under the authority of this chapter and the Act. The Attorney General's Office shall be responsible for prosecuting any violators of the Act or regulations.

Modified, 1 CMC § 3806(d), (f).

History: Adopted 12 Com. Reg. 7381 (Sept. 15, 1990); Proposed 12 Com. Reg. 7153 (July 15, 1990).

§ 65-60-405 Severability

The sections of the regulations in this chapter are severable and if any section or part thereof shall be held invalid, unconstitutional, or inapplicable to any person or circumstances such invalidity, unconstitutionality, or inapplicability shall not affect or impair the remaining sections.

Modified, 1 CMC § 3806(d), (f).

History: Adopted 12 Com. Reg. 7381 (Sept. 15, 1990); Proposed 12 Com. Reg. 7153 (July 15, 1990).

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

§ 65-60-410 Effective Date

The regulations in this chapter shall take effect ten days after publication in the Commonwealth Register unless otherwise altered by law.

Modified, 1 CMC § 3806(d), (e), (f).

History: Adopted 12 Com. Reg. 7381 (Sept. 15, 1990); Proposed 12 Com. Reg. 7153 (July 15, 1990).