

# TITLE 85: DEPARTMENT OF LANDS AND NATURAL RESOURCES

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## SUBCHAPTER 85-50.2 COMMONWEALTH PARKS, RECREATIONAL FACILITIES, AND TOURIST SITES

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Subchapter Authority: 1 CMC §§ 2653, 2654, 2705.

Subchapter History: Adopted 35 Com. Reg. 34268 (Sept. 28, 2013); Proposed 35 Com. Reg. 34063 (July 28, 2013).

Commission Comment: PL 1-8, tit. 1, ch. 13 (effective Aug. 10, 1978), formerly codified at 1 CMC §§ 2651, et seq., originally created a Department of Natural Resources within the Commonwealth government.

Executive Order 94-3 (effective August 23, 1994) reorganized the Commonwealth government executive branch, changed agency names and official titles, and effected numerous other revisions. According to Executive Order 94-3 § 104:

Section 104. Department of Lands and Natural Resources.

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The Department of Natural Resources is re-designated the Department of Lands and Natural Resources.

The full text of Executive Order 94-3 is set forth in the commission comment to 1 CMC § 2001.

In 1997, the Legislature passed the “Public Lands and Natural Resources Administration Act of 1997,” PL 10-57 (effective Apr. 18, 1997), codified as amended at 1 CMC §§ 2651-2691. PL 10-57 repealed and reenacted chapter 13, division 2 of title 1 of the Commonwealth Code, 1 CMC §§ 2651, et seq., and statutorily established the Department of Lands and Natural Resources (DLNR) with the structure, duties and responsibilities set forth in the act. See 1 CMC § 2651 and the commission comment thereto. 1 CMC § 2653(i) empowers DLNR to establish landscaping and beautification projects. 1 CMC § 2654 authorizes the Department of Lands and Natural Resources to adopt rules and regulations in furtherance of its duties and responsibilities.

PL 11-106 (effective October 8, 1999), the “Parks and Recreation Act of 1998,” codified as amended by PL 14-27 (effective Sept. 21, 2004) at 1 CMC §§ 2701-2708, establishes the Division of Parks and Recreation within DLNR. 1 CMC § 2701. 1 CMC § 2703 directs the Division, in part, to manage, maintain and beautify Commonwealth parks and recreational facilities as defined in the act. 1 CMC § 2705 authorizes the Division to adopt rules and regulations for the proper administration of its duties under the act. PL 11-106 § 7 provides that, except as provided in the act, any powers or duties relative to Commonwealth parks and recreational facilities previously charged to any other government entity shall be transferred to the Division.

PL 14-27 amends PL 11-106 to create a park ranger section within the Division of Parks and Recreation. PL 14-27 § 3(a). The act also gives DLNR jurisdiction over any tourist site formerly managed and maintained by the Marianas Visitors Authority. PL 14-27 § 3(b).

### **Part 001 - General Provisions**

#### **§ 85-50.2-001 Authority**

These rules and regulation are promulgated under the authority of 1 CMC §§ 2653, 2654, and 2705 providing the Department of Lands and Natural Resources and its Division of Parks and Recreation with the authority to adopt rules and regulations in furtherance of its powers and duties.

History: Adopted 35 Com. Reg. 34268 (Sept. 28, 2013); Proposed 35 Com. Reg. 34063 (July 28, 2013).

#### **§ 85-50.2-005 Purpose**

The purpose of these rules and regulations is to provide for the proper management of the Commonwealth Parks, recreational facilities, and tourist sites. The regulations establish a permit system, set fee and security deposit rates, identify allowable and prohibited activities, and establish enforcement procedures.

History: Adopted 35 Com. Reg. 34268 (Sept. 28, 2013); Proposed 35 Com. Reg. 34063 (July 28, 2013).

#### **§ 85-50.2-010 Definitions**

(a) “Camping” means the act of occupying a facility after sunset with the intent of remaining over night.

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- (b) “Commonwealth park” means an area set apart and designated as a Commonwealth park by the Division of Parks and Recreation including any public facilities located within the boundaries of the park.
- (c) “Department” means the Department of Lands and Natural Resources of the government of the Commonwealth of the Northern Mariana Islands.
- (d) “Director” means the Director of the Division of Parks and Recreation or his or her authorized designee.
- (e) “Division” means the Division of Parks and Recreation within the Department of Lands and Natural Resources.
- (f) “Facility” means any land, body of water, recreational area building, structure equipment, machinery, or other appurtenance owned, managed, controlled, or operated by the Division of Parks and Recreation, and includes all Commonwealth parks, recreational facilities, and tourist sites as defined in this section.
- (g) “Fee” means an amount of money charged to a permittee for use of a facility to recover the Division’s cost of administering the fee system and managing, maintaining, landscaping, and beautifying the facility.
- (h) “Fund” means the Commonwealth Parks and Recreation Fund, established under 1 CMC § 2707.
- (i) “Pavilion” means a large, open-sided shelter, usually constructed of concrete, often equipped with benches along the sides and a place to build a fire for barbecuing food, and with an open floor and picnic tables.
- (j) “Picnic shelter” means an open-sided shelter, smaller than a pavilion, usually constructed partially or fully of concrete, equipped with a picnic tables, and often equipped with a place to build a fire for barbecuing food.
- (k) “Permit” means written authorization from the Division granting exclusive temporary use of a facility or a specific portion of a facility for a stated duration of time.
- (l) “Permittee” means a person who applies for and is granted a permit for exclusive temporary use of a facility or portion of a facility from the Division.
- (m) “Recreational facility” means any public sports or recreational facility, outdoor sports or recreation area, or field, except for the Gilbert C. Ada Gymnasium and adjoining sports facilities.
- (n) “Secretary” means the Secretary of the Department of Lands and Natural Resources or his or her authorized designee.

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(o) “Security deposit” means an amount of money a permittee is required to deposit with the Division, some or all of which may be retained by the Division to the extent that a facility is damaged and such damage is caused by the activities of the permittee during the exclusive use of the facility under the permit.

(p) “Tent site” means a place within a facility specifically designated on a permit or on an application for a permit, by description or sketch, where a tent may be erected.

(q) “Tourist site” means any public tourist site that was formerly managed and maintained by the Marianas Visitors Authority and for which the management and maintenance duties were transferred to the Division of Parks and Recreation.

History: Adopted 35 Com. Reg. 34268 (Sept. 28, 2013); Proposed 35 Com. Reg. 34063 (July 28, 2013).

Commission Comment: The Commission corrected the capitalization of the words “park” in subsection (b), “facility” in subsection (g), and “shelter” in subsection (j) pursuant to 1 CMC § 3806(f).

### **§ 85-50.2-015 Application and Scope**

(a) These rules and regulations apply to all Commonwealth parks, recreational facilities, and tourist sites that the Division has the responsibility to beautify and manage.

(1) Commonwealth parks currently under the management authority of the Division are listed in Exhibit A.

(2) Recreational facilities currently under management authority of the Division are listed in Exhibit B.

(3) Tourist sites currently under the management authority of the Division are listed in Exhibit C.

(b) These rules and regulation shall apply to any site that is designated as a Commonwealth park, recreational area, or tourist site subsequent to the adoption of these regulations.

(c) These regulations shall not be construed to diminish the force of other laws or regulations that apply to Commonwealth parks, recreational facilities, and tourist sites.

History: Adopted 35 Com. Reg. 34268 (Sept. 28, 2013); Proposed 35 Com. Reg. 34063 (July 28, 2013).

### **Part 100 - Permits**

#### **§ 85-50.2-101 Activities Requiring a Permit**

(a) A person wishing to use a facility or portion thereof that requires a permit, shall first obtain a permit for such use from the Division.

(b) The activities that require a permit include, but are not limited to, the following:

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- (1) Picnics, barbeques, parties, or other events at a facility involving more than 20 persons;
- (2) Use of a pavilion, picnic shelter, or tent site, irrespective of the number of persons in attendance;
- (3) Placement of a portable toilet;
- (4) Use of recreational facilities such as basketball courts, tennis courts and softball fields for tournaments, leagues, or special events;
- (5) The selling or offering for sale, hire, or lease of any merchandise, service, or other thing of value; the taking of moving pictures or photographs for commercial or publicity purposes, or the purchasing or selling of negatives thereof or prints therefrom or the exhibition of same in public;
- (6) The holding of any lecture or any form of entertainment, performance, motion picture, contest, or other such event for commercial purposes and the distribution or posting of handbills or advertisements in connection therewith, or the erection of any structure, stand, or platform in connection therewith;
- (7) The posting or distributing of commercial advertising matter or the oral advertising for sale of any merchandise, article, service, or other thing of value, or soliciting in connection with the sale of the same, unless the commercial activity is inextricably intertwined with the expression of free speech rights; and
- (8) Any other activity that is similar in nature to those activities listed in this subsection.

(c) The activities that do not require a permit are limited to the following:

- (1) Picnics or barbeques involving a family or group of 20 persons or less, unless such gathering involves the use of a picnic shelter, pavilion, or tent site;
- (2) Swimming, snorkeling, wading, canoeing, kayaking, windsurfing, or using other non-motorized craft in the waters adjacent to a facility, including entry into and exit from these waters at a facility for such purposes;
- (3) Recreational use of park facilities for non-motorist activities, such as walking, jogging, playing on the playground equipment, playing in beach sand, sunbathing, wildlife viewing, and sightseeing; and
- (4) Use of recreational facilities such as basketball courts, tennis courts, and softball fields for pick-up games (i.e., games that are not part of an organized tournament, league, or fundraiser).

History: Adopted 35 Com. Reg. 34268 (Sept. 28, 2013); Proposed 35 Com. Reg. 34063 (July 28, 2013).

Commission Comment: The Commission inserted commas after the words “contest” and “stand” in subsection (b)(6), “service” in subsection (b)(7), and “viewing” in subsection (c)(3) pursuant to 1 CMC § 3806(g).

### **§ 85-50.2-105 Permit Application Process**

- (a) A person wishing to carry out activities in park facilities which require a permit shall file an application for the permit with the Director, on an application form obtained at the Division’s office.

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- (1) An application for a group, organization, or corporation must be made in the name of natural person.
- (2) The applicant shall provide the following information:
  - (i) The name and address of the applicant;
  - (ii) The name and address of the person, group, organization, or corporation sponsoring the activity;
  - (iii) The nature of the proposed activity;
  - (iv) The dates, hours, and facility for which the permit is desired;
  - (v) An estimate of the number of persons who will attend the proposed activity or event; and
  - (vi) Any other information regarding public health, safety, or welfare that the Director finds reasonably necessary to render a fair determination as to whether a permit should be issued.

History: Adopted 35 Com. Reg. 34268 (Sept. 28, 2013); Proposed 35 Com. Reg. 34063 (July 28, 2013).

Commission Comment: The Commission corrected the capitalization of the word “office” in subsection (a) pursuant to 1 CMC § 3806(f).

### **§ 85-50.2-110 Standards for Issuance of Permits**

- (a) Upon receipt of a completed permit application form that contains all the necessary information, the Director may issue a permit if he or she finds that the following have been satisfied:
  - (1) The proposed activity or use of the facility will not unreasonably interfere with or detract from the enjoyment of the facility by the general public;
  - (2) The proposed activity or use will not unreasonably interfere with or detract from the promotion of public health, welfare, safety, and recreation;
  - (3) All application and regulatory conditions have been met, including the payment of applicable fees and security deposits;
  - (4) The proposed activity or use will not require unusual, extraordinary, or overly burdensome security operations from the Division; and
  - (5) That the desired facility has not been reserved for another use.
- (b) The Division may reject a permit application for any of the following reasons:
  - (1) Another activity or use has been previously scheduled for the same time at the facility or area requested;
  - (2) The proposed activity or use, as determined by the Director, is not compatible with the recreational, environmental, or historical character of the facility or area requested;
  - (3) The Director determines in writing that the proposed activity or use cannot be reasonably accommodated without jeopardizing the safety of park patrons or the activity will likely result in damage to park or facility resources;
  - (4) The proposed activity or use cannot be accommodated unless the Division expends additional funds to provide operational, supervisory, maintenance, or law enforcement personnel; equipment; or services;

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- (5) The proposed activity or use will cause undue interference with the activities of other park patrons;
- (6) The applicant has not satisfied a material condition of the permit or refuses to accept the conditions of the permit's use; or
- (7) The application is not complete or application fee not received.

(c) If the Division denies an application for a permit, it will notify the applicant of its reasons why the permit was not issued and return any fees or security deposit to the applicant.

History: Adopted 35 Com. Reg. 34268 (Sept. 28, 2013); Proposed 35 Com. Reg. 34063 (July 28, 2013).

Commission Comment: The Commission inserted a comma after the word "safety" in subsection (a)(2) and corrected the period at the end of subsection (b)(1) to a semicolon pursuant to 1 CMC § 3806(g).

### **§ 85-50.2-115 Permit Conditions**

- (a) Mandatory conditions. All permits shall include the following:
- (1) The facility or portion thereof that the permit holder is permitted to use as designated by a description, sketch, or map attached thereto and made a part of the permit;
  - (2) The time and date(s) for which the permit is valid;
  - (3) Requirement that the permittee pick up all trash and waste generated during his or her use of the facility from the grounds and properly dispose of such in trash receptacles or haul it to the landfill;
  - (4) Acknowledgement by permittee that a violation of conditions will result in revocation of the permit, fines, and/or denial of future permit applications;
  - (5) The amount of any applicable liability and/or property damage insurance that is required for the permit and use of the facility. The amount of insurance shall be based upon the size of the event and the type of activity; and
  - (6) Acknowledgement by permittee that he or she assumes all liability and responsibility for any activity conducted under the authority of the permit or any actions resulting from activities authorized by the permit.
- (b) Special conditions. The Director may place additional conditions on a permit as is reasonably necessary to address particular concerns of the proposed use or activity at the proposed facility.
- (c) When a permit is issued, the permittee will sign the permit and his or her signature will indicate acceptance of all permit conditions.

History: Adopted 35 Com. Reg. 34268 (Sept. 28, 2013); Proposed 35 Com. Reg. 34063 (July 28, 2013).

Commission Comment: The Commission corrected the capitalization of the word "permittee" pursuant to 1 CMC § 3806(f).

### **§ 85-50.2-120 Use of Permits**

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- (a) Permits are valid only for the specified use, date, time, and location as stated on the permit. Permits are valid only in the facility as stated on the permit.
- (b) Permits shall be held by the permittee during the permitted event or use and shall be shown to a division park ranger or any other Division employee who requests to see said permit for the purpose of enforcing compliance with any of these regulations.
- (c) The permittee shall be subject to all conditions listed on the permit and shall be responsible for any damage resulting from use of the facility. The permittee will inform the members of his or her party about the conditions of use on the permit.
- (d) Permits grant an exclusive right to use that specific part of a facility as designated on the permit. Other persons or groups of persons shall be permitted to use other portions of the facility.
- (e) The CNMI government shall not be responsible for any personal injury, loss of life, or damage to personal property during the use of any facility. By acceptance of a permit, the permittee assumes full liability and responsibility thereof.
- (f) A permit shall be revoked by the Director if the permittee violates par\* rules conditions of the permit or if the Director determines that revocation is (deemed to be in the public interest) necessary for public health, safety, or welfare.
- (g) No person shall use, occupy, or otherwise remain in any facility or portion thereof for which a permit is required without a permit.

\* So in original.

History: Adopted 35 Com. Reg. 34268 (Sept. 28, 2013); Proposed 35 Com. Reg. 34063 (July 28, 2013).

Commission Comment: The Commission corrected the capitalization of the words “permittee” in subsections (b), (c), (e), and (f), “park ranger” in subsection (b), and “government” in subsection (e) pursuant to 1 CMC § 3806(f). The Commission inserted a comma after the word “time” in subsection (a), inserted periods at the ends of subsections (a), (b), and (f), and converted bracket to parentheses in subsection (f) pursuant to 1 CMC § 3806(g).

### **Part 200 Fees**

#### **§ 85-50.2-201 Permit Fees and Security Deposit**

- (a) Purpose. The Division shall collect from the permittee a reasonable fee to recover the cost of administering the permit system and managing, maintaining, landscaping, and beautifying facilities.
- (b) Fee Criteria. Permit fees shall reflect the amount reasonably necessary to recover the cost of managing the facilities and providing related services. Examples of the type of facilities and services for which fees may be recovered include, but are not limited to, the following: reservation of buildings, structures, or picnic areas; use of electrical power,



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water, and sewer utilities; participation in organized sports activities and other recreational programs.

(c) Fee Schedule. Fees shall be collected in accordance with the schedule set forth in Exhibit D. The schedule of fees established therein is applicable to all facilities and at all hours the facilities are open or used by the general public.

(d) Security Deposit. The Division shall collect a reasonable security deposit for use of park facilities based on the number of people, type of use, and other relevant factors as set forth in Exhibit D.

(1) The Division shall return the security deposit to the permittee provided that there is no damage caused by the permittee's use of the facility.

(2) The Division may retain the security deposit or a portion thereof to cover the costs of repairing damage caused by the Permittee's use of the facility. The Division shall return any portion of the security deposit that exceeds the costs of repair.

(e) Cancellation Fee. Cancellation of a permit for use of a facility shall be subject to forfeiture of permit fee if cancellation is made less than 7 days prior to the permitted event. Permit fees for an event that is cancelled 7 days or more prior to the permitted event will be returned to the permittee except that a \$5.00 fee will be charged to recover the administrative costs associated with cancellation. Security deposits shall not be forfeited due to cancellation.

(f) Fee Violations. It is a violation for any person who is subject to the payment of fee pursuant to these regulations to enter into or remain within any facility or portion thereof for which a fee is charges without having first paid such fees.

History: Adopted 35 Com. Reg. 34268 (Sept. 28, 2013); Proposed 35 Com. Reg. 34063 (July 28, 2013).

Commission Comment: The Commission corrected the capitalization of the word "permittee" in subsections (a), (d)(1), (d)(2), and (e) pursuant to 1 CMC § 3806(f).

### **§ 85-50.2-205 User Fees for Tourist Sites**

A reasonable user fee of \$1 shall be charged at the tourist sites listed in Exhibit C. If the Director determines that the collection of fees at certain tourist sites would not be cost-effective at this time, the failure to collect such fees from those sites shall not be construed as a waiver for future collection.

History: Adopted 35 Com. Reg. 34268 (Sept. 28, 2013); Proposed 35 Com. Reg. 34063 (July 28, 2013).

### **§ 85-50.2-210 Commonwealth Parks and Recreation Fund**

Fees and forfeited security deposits shall be deposited in the Commonwealth Parks and Recreation Fund. Monies in the fund shall only be expended to manage, maintain, landscape, and beautify facilities and tourist sites, and to erect and maintain structures, signs, and facilities at Commonwealth parks, recreational facilities, and tourist sites.

History: Adopted 35 Com. Reg. 34268 (Sept. 28, 2013); Proposed 35 Com. Reg. 34063 (July 28, 2013).

**Part 300      General Regulations**

**§ 85-50.2-301 Structures**

(a)      Temporary Structures. No person may construct or erect a temporary structure in a facility without a proper permit authorizing such. Temporary structures include, but are not limited to, the following: tents, movable stages or platforms, and movable fencing for race events.

(1)      Permittees must remove authorized temporary structures after use and in accordance with the time limits set forth in the permit (e.g., if the permit expires on May 1, 20XX, the temporary structure must be removed that day). A temporary structure that is not removed will be removed by Division personnel or by a private contractor, and the permittee will be billed and liable for the costs of removal.

(b)      Permanent Structures. Placement or construction of permanent structures by persons or entities other than the CNMI government (either directly or indirectly through a contractor) is prohibited.

History: Adopted 35 Com. Reg. 34268 (Sept. 28, 2013); Proposed 35 Com. Reg. 34063 (July 28, 2013).

Commission Comment: The Commission corrected the capitalization of the word “permittee” in subsection (a)(1) and “government” in subsection (b) pursuant to 1 CMC § 3806(f).

**§ 85-50.2-305 Motorized Vehicles**

(a)      No person may drive or operate any automobile, truck, motorcycle, motor scooter, trail bike, or other motorized vehicle within the boundaries of a facility, except on roads or trails designated for such.

(b)      The speed limit for motorized vehicles driving on a designated road within a facility is five miles per hour, except as otherwise posted by the Director.

(c)      Driving of any motorized vehicle on the beaches within any facility is strictly prohibited.

(d)      Motorized vehicles shall be parked in areas specifically designated as parking areas. No person may park a motorized vehicle in a manner that presents a hazard to the public.

(e)      Motorized vehicles may not remain in any facility during the hours the facility is closed without a permit from the Director.

(f)      No person may abandon any motorized vehicle within the boundaries of a facility.

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(1) A vehicle or trailer remaining in a facility for 24 hours or more will be deemed abandoned and towed at the owner's expense. The vehicle or trailer will be stored at the Division. The owner of\* will be billed and liable for storage fees.

(2) The Division shall notify the owner of the vehicle of the removal and provide directions as to how to claim the vehicle. If the Division cannot determine who owns the vehicle, the Division shall publish notice of the removal of the vehicle in a locally circulated newspaper. A vehicle that is not claimed within thirty days of notice (whether personal or by publication) will be deemed government property and disposed of by the Division of Procurement and Supply.

(g) No person may wash or repair any motorized vehicle within the boundaries of any facility. An exception shall apply to emergency repairs.

\* So in original.

Commission Comment: The Commission struck the figure "5" in subsection (b) pursuant to 1 CMC § 3806(e).

### § 85-50.2-310 Selling Goods, Services

(a) No person may sell, vend, peddle, expose, offer for sell\*, or distribute after sale any item of value without a valid permit.

(b) No person may post or distribute commercial advertising matter or the\* orally advertise for sale of any merchandise, article, service, or other thing of value, or solicit in connection with the sale of the same without a valid permit.

\* So in original.

History: Adopted 35 Com. Reg. 34268 (Sept. 28, 2013); Proposed 35 Com. Reg. 34063 (July 28, 2013).

### § 85-50.2-315 Protection of Natural Resources

(a) No person may pull, trample upon, cut, break, or pick flowers, fruits, leaves, limbs, branches, or other plant of any kind within the boundaries of a facility.

(1) An exception may be made for the taking, use, or possession of plants for ceremonial, religious, cultural, medicinal, or scientific purposes. A proper permit must be obtained from the Division before engaging in any such conduct under this exception.

(b) No person may molest, disturb, injure, poison, trap, harm, or kill any animal, reptile, amphibian, or bird (including their nest and/or eggs), or any of their habitats, within the boundaries of any facility.

(1) An exception may be made for scientific or research purposes. A proper permit must be obtained from the Division before engaging in any such conduct under this exception.

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(c) No person may alter or remove any land features, or remove any soil, rock, sand, or gravel from the boundaries of a facility.

(1) An exceptions may be made for scientific, research, cultural, or religious purposes. A proper permit must be obtained from the Division before engaging in such conduct under this exception.

(d) No person may introduce wildlife, fish, or plants or their reproductive bodies, into the ecosystem of any park.

(1) An exception may be made for such introductions that are intended to enhance the facility (e.g., community volunteer efforts to plant trees or flowers) provided that it is authorized by and coordinated with the Director.

History: Adopted 35 Com. Reg. 34268 (Sept. 28, 2013); Proposed 35 Com. Reg. 34063 (July 28, 2013).

### **§ 85-50.2-320 Fires**

(a) No person may ignite or maintain a fire outside of designed fireplaces, portable barbeque grills, hibachis, or other appropriate devices or containers used for fire.

(b) No person may ignite or maintain a fire of materials deposited in a can, box, trench, pit, or other receptacle for the purpose of garbage disposal.

(c) A person that ignites or maintains a fire in an authorized space shall ensure that the fire is extinguished before leaving the area.

History: Adopted 35 Com. Reg. 34268 (Sept. 28, 2013); Proposed 35 Com. Reg. 34063 (July 28, 2013).

### **§ 85-50.2-325 Picnicking**

(a) Picnicking is allowed in any facility, unless otherwise specifically prohibited.

(1) A picnic with more than twenty people requires a permit as required under § 85-50.2-101(a)(1).

History: Adopted 35 Com. Reg. 34268 (Sept. 28, 2013); Proposed 35 Com. Reg. 34063 (July 28, 2013).

### **§ 85-50.2-330 Animals**

(a) Dogs and cats are the only pets that are permitted in facilities with the limitations set forth in this section.

(1) Pets must be within the surrounding areas of the pet owners. Dogs must be on a leash.

(2) Pets are prohibited in public eating places (e.g., the Round House, the Pavilions and the Picnic Shelters), restrooms, playgrounds, and public buildings within park facilities, except for dogs accompanying a sight- or hearing-impaired person, law enforcement K-9's, and snake detection dogs.

(3) Pets shall be under the physical control of the owner or handler when on or in any road, parking area, picnic area, camping area, or athletic field.

(4) The owner or handler of a pet shall ensure that the animal does not mutilate, injure, or harm plants, other animals, land features, or people.

History: Adopted 35 Com. Reg. 34268 (Sept. 28, 2013); Proposed 35 Com. Reg. 34063 (July 28, 2013).

**§ 85-50.2-335 Audio Devices**

The operation or use of audio devices including, but not limited to, radios, television sets, and musical instruments, is permitted provided that they do not create excessive noise that disrupts the public's ability to use and enjoy the facility.

History: Adopted 35 Com. Reg. 34268 (Sept. 28, 2013); Proposed 35 Com. Reg. 34063 (July 28, 2013).

**§ 85-50.2-340 Skateboards, Skates, and Bicycles**

Skateboards, roller skate\*, bicycles, and all other non-motorized, wheeled conveyances shall be used in a safe manner on paved pathways, and shall not be used in public buildings, on the beaches, or in the parking lots within any facility.

\* So in original.

History: Adopted 35 Com. Reg. 34268 (Sept. 28, 2013); Proposed 35 Com. Reg. 34063 (July 28, 2013).

Commission Comment: The Commission corrected the capitalization of the word "skate" pursuant to 1 CMC § 3806(f). The Commission inserted a comma after the word "bicycles" pursuant to 1 CMC § 3806(g).

**§ 85-50.2-345 Sanitation**

The following conduct is prohibited in all facilities:

- (a) Burning of garbage, papers, cans, bottles, waste materials, and other rubbish;
- (b) Draining or dumping of refuse, waster, liquids, fish entrails, fish and other animal parts;
- (c) Dumping, abandoning, or disposing of oil or any petroleum products;
- (d) Disposal of personal, household, industrial, or commercial refuse originating outside of a facility in the trash receptacles or dumpsters of a facility, or anywhere in a facility;
- (e) Depositing of any material other than toilet paper in any toilet of a facility (examples of prohibited materials include, but are not limited to: garment scrap, rags, paper towels, paper napkins, tampon, sanitary napkins, and newspapers);

(f) Urinating or defecating in any facility in any place other than toilets and bathroom facilities (e.g., parks users may not urinate or defecate in the bushes, in the trees, or in the lagoon of a facility); and

(g) Littering.

History: Adopted 35 Com. Reg. 34268 (Sept. 28, 2013); Proposed 35 Com. Reg. 34063 (July 28, 2013).

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

### **§ 85-50.2-350 Alcohol-Free Zone**

The Director may designate a facility or portion of a facility as an alcohol-free zone.

History: Adopted 35 Com. Reg. 34268 (Sept. 28, 2013); Proposed 35 Com. Reg. 34063 (July 28, 2013).

### **§ 85-50.2-355 Fireworks**

No person may possess or ignite firecrackers or fireworks, including any article for the making of a pyrotechnic display, without a permit.

History: Adopted 35 Com. Reg. 34268 (Sept. 28, 2013); Proposed 35 Com. Reg. 34063 (July 28, 2013).

### **§ 85-50.2-360 Firearms, Air Guns, and Other Weapons**

No person other than enforcement officers in the performance of their duties shall use, maintain, possess, fire, or discharge a firearm, air gun, spring gun, bow and arrow, slingshot, or other weapon which is potentially dangerous to wildlife or human safety or which may damage park structures or improvements.

History: Adopted 35 Com. Reg. 34268 (Sept. 28, 2013); Proposed 35 Com. Reg. 34063 (July 28, 2013).

### **§ 85-50.2-365 Games**

Park users are prohibited from playing games such as football, baseball, horseshoes, soccer, or other games involving throwing, hitting, or otherwise propelling objects, except in fields, courts, or areas specifically provided for such activities or in other areas compatible with such use (e.g., areas that are open and away from other park users).

History: Adopted 35 Com. Reg. 34268 (Sept. 28, 2013); Proposed 35 Com. Reg. 34063 (July 28, 2013).

### **§ 85-50.2-370 Swimming**

The Division does not provide lifeguards at Commonwealth park beaches. Parents or guardians of children shall monitor children while they are in or near the water. Swimming is at one’s own risk.

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History: Adopted 35 Com. Reg. 34268 (Sept. 28, 2013); Proposed 35 Com. Reg. 34063 (July 28, 2013).

Commission Comment: The Commission corrected the capitalization of the word “park” pursuant to 1 CMC § 3806(f).

### **§ 85-50.2-375 Camping**

- (a) Camping is permitted only in areas designated for that purpose.
- (b) A person must obtain a permit before camping.
- (c) Permittees shall clean the immediate area of their use before departing.
- (d) A camp shall not be left unattended for more than twenty-four hours.
- (e) The Director may impose a maximum number of days for camping in specific areas.
- (f) Trenching, digging, removal of soil, or cutting of vegetation while camping is prohibited unless otherwise authorized under the permit.

History: Adopted 35 Com. Reg. 34268 (Sept. 28, 2013); Proposed 35 Com. Reg. 34063 (July 28, 2013).

Commission Comment: The Commission struck the figure “24” from subsection (d) pursuant to 1 CMC § 3806(e). The Commission inserted a comma after the word “soil” in subsection (f) pursuant to 1 CMC § 3806(g).

### **§ 85-50.2-380 Prohibited Activities**

The following activities are prohibited within any facility:

- (a) Vandalism;
- (b) Gambling;
- (c) Abandoning of property. Property shall be considered abandoned if left unattended for a period of twenty-four hours and shall be impounded;
- (d) Disorderly conduct;
- (e) Public intoxication;
- (f) Occupying an area reserved by a permit, falsifying a permit, or excluding other park users from an area not reserved by a permit; and
- (g) Climbing on structures (including shelters and monuments).

History: Adopted 35 Com. Reg. 34268 (Sept. 28, 2013); Proposed 35 Com. Reg. 34063 (July 28, 2013).

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Commission Comment: The Commission struck the figure “24” from subsection (c) pursuant to 1 CMC § 3806(e).

### § 85-50.2-385 Hours of Use

(a) The Director shall post the regular hours of opening and closing for the facilities at the respective facilities. No person shall enter, remain in, or camp in any facility during the hours that the facility is closed without a valid permit authorizing such.

(b) The Director may close any facility or portion thereof and evacuate all persons in the area upon finding that a condition exists which presents a hazard to the facility or to public safety.

History: Adopted 35 Com. Reg. 34268 (Sept. 28, 2013); Proposed 35 Com. Reg. 34063 (July 28, 2013).

### Part 400 - Enforcement

#### § 85-50.2-401 Permit Revocation

(a) The Director or enforcement personnel shall have the authority to revoke a permit for a violation of this subchapter or any other applicable Commonwealth law.

(1) In the event of revocation, the fees paid by the permittee shall be forfeited to the Division. Section 85-50.2-201(d) shall govern the withholding or return of a security deposit associated with a revoked permit.

History: Adopted 35 Com. Reg. 34268 (Sept. 28, 2013); Proposed 35 Com. Reg. 34063 (July 28, 2013).

Commission Comment: The Commission corrected the capitalization of the word “permittee” pursuant to 1 CMC § 3806(f).

#### § 85-50.2-405 Ejection

(a) The Director or enforcement personnel may eject a person acting in violation of this subchapter or other Commonwealth law from any facility.

(1) In the event of ejection, the fees paid by the permittee shall be forfeited to the Division. Section 85-50.2-201(d) shall govern the withholding or return of a security deposit.

History: Adopted 35 Com. Reg. 34268 (Sept. 28, 2013); Proposed 35 Com. Reg. 34063 (July 28, 2013).

Commission Comment: The Commission corrected the capitalization of the word “permittee” pursuant to 1 CMC § 3806(f).

#### § 85-50.2-410 Enforcement Personnel

These rules and regulations are enforceable by DPR\* park rangers and law enforcement officers of the Department of Public Safety.



\* So in original.

History: Adopted 35 Com. Reg. 34268 (Sept. 28, 2013); Proposed 35 Com. Reg. 34063 (July 28, 2013).

Commission Comment: The Commission corrected the capitalization of the words “park rangers” and “law enforcement officers” pursuant to 1 CMC § 3806(f).

**§ 85-50.2-415 Fines**

(a) The Director may impose a fine of up to \$500 for a violation of this subchapter. The fine shall be distinct from the forfeiture of fees and deposits.

(b) The following fine schedule shall apply to violations:

- (1) First violation: \$25
- (2) Second violation: \$50
- (3) Third violation: \$150
- (4) All subsequent violations: \$300

History: Adopted 35 Com. Reg. 34268 (Sept. 28, 2013); Proposed 35 Com. Reg. 34063 (July 28, 2013).

**Part 500 - Severability**

**§ 85-50.2-501 Severability**

If any section or portion of a section herein or the application of any such section to any person or circumstance is held invalid by a court of competent jurisdiction, the remainder of the regulations or the application of its provisions to persons or circumstances other than those to which it is held invalid shall not be affected thereby.

History: Adopted 35 Com. Reg. 34268 (Sept. 28, 2013); Proposed 35 Com. Reg. 34063 (July 28, 2013).

**Exhibit A  
Commonwealth Parks**

Public Beach Parks

1. Afetna Beach Park
2. San Isidro Beach Park
3. Susupe Regional Beach Park
4. Civic Center Beach Park
5. Kiliti Beach Park
6. Garapan Shoreline Beach
7. Lower Base Beach (Across from DFW office)
8. Tanapag Beach Park
9. Paupau Beach Park
10. Marine Beach Park
11. Laulau Dive Site
12. Ladder Beach
13. Obyan Beach
14. Makaka Beach

Public Parks

1. San Antonio Youth Center
2. Garapan Central Park
3. Capitol Hill Open Ground Park
4. Kagman Homestead Park
5. Dandan Homestead Park

History: Adopted 35 Com. Reg. 34268 (Sept. 28, 2013); Proposed 35 Com. Reg. 34063 (July 28, 2013).

**Exhibit B  
Recreational Facilities**

1. Koblerville Softball Field (across from Koblerville Elementary School)
2. Koblerville Basketball Court and Open Grounds
3. San Antonio Basketball Court
4. Chalan Kanoa District #1 Basketball Court
5. Chalan Kanoa District #3 Basketball Court
6. Susupe, District #5 Basketball Court
7. Joaquin S. Tudela Memorial Park (San Vicente Basketball Court)
8. Gualo Rai Basketball Court
9. China Town Basketball Court
10. Navy Hill Open Field
11. Tanapag Basketball Court
12. Capitol Hill Basketball and Tennis Court
13. Kagman Basketball Court
14. Dandan Basketball Court
15. San Roque Basketball Court
16. As Matuis Basketball Court
17. Lower Navy Basketball Court

History: Adopted 35 Com. Reg. 34268 (Sept. 28, 2013); Proposed 35 Com. Reg. 34063 (July 28, 2013).

**Exhibit C  
Tourist Sites**

1. Korean Peace Memorial
2. Okinawa Peace Memorial
3. Last Command Post
4. Japanese Peace Memorial
5. Banzai Cliff Lookout
6. Grotto Dive Site
7. Bird Island Lookout
8. Kalabera Cave
9. Suicide Cliff Lookout
10. Japanese Jail
11. Susupe Peace Memorial
12. San Jose Memorial
13. Marpi Road Shoulder

History: Adopted 35 Com. Reg. 34268 (Sept. 28, 2013); Proposed 35 Com. Reg. 34063 (July 28, 2013).

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**Exhibit D  
Fee Schedule**

I. Facility Fees:

Multi-Purpose Round House (Garapan Central Park)	
Daily Fee, Monday through Thursday	\$100.00
Daily Fee, Friday through Sunday	\$150.00
Security Deposit	\$150.00
Minachom Atdao Pavilion	
Daily Fee, Monday through Thursday	\$50.00
Daily Fee, Friday through Sunday	\$75.00
Security Deposit	\$75.00
Other Park Pavilions	
Daily Fee, Monday through Thursday	\$30.00
Daily Fee, Monday through Thursday	\$40.00
Security Deposit	\$30.00
Park Picnic Shelters (Concrete Structures)	
Daily Fee, Monday through Thursday	\$20.00
Daily Fee, Friday through Sunday	\$25.00
Security Deposit	\$25.00
Park Picnic Shelters (Semi-Concrete Structures)	
Daily Fee, Weekdays or Weekends	\$15.00
Security Deposit	\$15.00
Fees based on Event Size†	
20-50 people	\$25
51-100 people	\$50
101-200 people	\$100
201-300 people	\$150
301+ people	\$300
†These fees are in addition to other applicable fees	
Other fees	
Use of a tent site or erection of a tent	\$25.00
Temporary placement of a portable toilet (shall not exceed 90 days)	\$5/day or \$50/month
Professional photo or video shoot for the production of advertisements, movies, or promotional media	\$100.00/day
Vendor and/or advertising permit	\$5/day or \$50/month
Event (e.g., concert, lecture, movie, wedding)	\$100/day

II. Basketball Court Fee:

A. Village Recreational Activities	No Fee
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<b>B. Tournament or League Play</b>	
a. Weekdays, evening rate (after 6:00pm)	\$20.00/day
b. Weekends, evening rate (after 6:00pm)	\$25.00/day
c. Security Deposit per court	\$25.00
<b>C. Special Fees for Other Functions</b>	
a. Non-Profit	\$100.00
b. Fund raising Users Daily Rate	\$100.00
c. Public Functions, Daily Rate	\$100.00
d. Security Deposit, per Court	\$100.00

**III. Softball and Baseball Fields Fees**

<b>Practice Use</b>	
Field Preparation Fee, per field	\$15.00
Daylight Rate (before 6:30pm)	\$20.00/month
Evening Rate (after 6:30pm)	\$25.00/month
Security Deposit, per field	\$25.00
<b>Tournament Use</b>	
One day Tournament, per field	\$50.00
Security Deposit, per field	\$50.00

**IV. Camping Fees**

a. Per night, per group (Monday through Thursday)	\$10.00
b. Per night, per group (Friday through Sunday)	\$20.00
c. Security Deposit (refundable)	\$20.00

**V. Cancellation Fee**

a. Cancellation made less than 7 days prior to the permitted event	Forfeiture of all permit fees
b. Cancellation made 7 or more days prior to the permitted event	Return of all fees and paid except for \$5.00 administrative fee

History: Adopted 35 Com. Reg. 34268 (Sept. 28, 2013); Proposed 35 Com. Reg. 34063 (July 28, 2013).