

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

**SUBCHAPTER 170-20.2
RULES AND REGULATIONS OF THE TINIAN MUNICIPAL CEMETERY**

Part 001 General Provisions

§ 170-20.2-001 Purpose
§ 170-20.2-005 Definitions
§ 170-20.2-010 Establishment
§ 170-20.2-015 Proclamation
§ 170-20.2-020 Administration
§ 170-20.2-025 Map
§ 170-20.2-030 Hours of Operation
§ 170-20.2-035 Co-ordination with
Other Agencies

Part 100 Construction

§ 170-20.2-101 Buildings and
Construction
§ 170-20.2-105 Prior Construction

Part 200 Interment

§ 170-20.2-201 Notification
§ 170-20.2-205 Site Selection
§ 170-20.2-210 Funeral and Other
Processions
§ 170-20.2-215 Grave
Opening/Closing
§ 170-20.2-220 Disinterment

Part 300 Grave Specifications

§ 170-20.2-301 Plot Size
§ 170-20.2-305 Number of Interments
Per Plot
§ 170-20.2-310 Monuments and
Markers
§ 170-20.2-315 Adornments

Part 400 Maintenance

§ 170-20.2-401 General and
Landscaping
§ 170-20.2-405 Individual Grave
Maintenance
§ 170-20.2-410 Utilities

Part 500 Rules and Enforcement

§ 170-20.2-501 Prohibitions
§ 170-20.2-505 Disclaimer and
Penalties
§ 170-20.2-510 Entry and Exit
§ 170-20.2-515 Decorations
§ 170-20.2-520 Trash
§ 170-20.2-525 Access
§ 170-20.2-530 Monument Repair
§ 170-20.2-535 Rule Modifications
§ 170-20.2-540 Infractions
§ 170-20.2-545 Crimes

Part 600 Appeals

§ 170-20.2-601 Appeals

Part 700 Fees

§ 170-20.2-701 Fees
§ 170-20.2-705 Revolving Fund
§ 170-20.2-710 Disposition of Fees

Part 800 Miscellaneous Provisions

§ 170-20.2-801 Severability

Subchapter Authority: Tinian Local Law 15-4.

Subchapter History: Adopted 29 Com. Reg. 27945 (Dec. 18, 2007); Emergency and Proposed 29 Com. Reg. 26702 (Sept. 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).

The Tinian municipal cemetery was owned and managed by the Department of Public Lands until 2007. Tinian Local Law 15-4 (effective Jan. 18, 2007) transferred ownership of the cemetery to the Tinian Mayor's Office and

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

empowered it to promulgate rules and regulations to supervise ground maintenance, coordination of burial activities, and further improvements, in coordination with the Department of Public Health.

Part 001 - General Provisions

§ 170-20.2-001 Purpose

For the mutual protection of Plot-Holders and the cemetery as a whole, the following rules and regulations are hereby established for the Tinian Municipal Cemetery. All persons visiting or having business in the cemetery will be expected to abide by such rules and regulations as herein enacted and as hereafter amended, which are intended to assist in maintaining this cemetery as a peaceful and beautiful area as well as a reverent symbol of respect for the dead.

History: Adopted 29 Com. Reg. 27945 (Dec. 18, 2007); Emergency and Proposed 29 Com. Reg. 26702 (Sept. 17, 2007).

§ 170-20.2-005 Definitions

- (a) “Mayor” means the Mayor of the Municipality of Tinian and Aguiguan, CNMI.
- (b) “Person” means any individual, estate, corporation, company, joint venture, association, partnership, trust, receiver, club, syndicate, cooperative association, or any other entity.
- (c) “Cemetery” means a burial park for earth interments, a community or individual vault for crypt interments, a crematory or crematorium and columbarium for cinerary interments or a combination of these.
- (d) “Plot/Grave” means a space of sufficient size (approximately 5’ x 10’ vault; 6’ x 12’ tomb) to accommodate one adult interment or appropriately downsized for a child’s interment.
- (e) “Monument Plot” means a plot/grave space to which approximately two feet has been added in length to accommodate a properly installed above ground monument.
- (f) “Family Tomb/Vault” means a free standing “mausoleum type” structure provided for burial of a number of family members.
- (g) “Interment” means the disposition of the remains of a deceased person by burial, entombment, or cremation and inurnment.
- (h) “Memorial” includes a monument, marker, tablet, headstone, tombstone, coping, fence, gate, lot enclosure, urn or crypt and niche place.
- (i) “Monument” means a tombstone or memorial of granite, marble, or other permanent material, which shall extend above the surface of the ground and be properly installed.
- (j) “Marker” means a memorial flush with the ground and properly installed.

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

- (k) “Certificate of Right to Bury” means the original conveyance given by the Mayor’s Office to a person of a right to human burial. The land where burial takes place remains under municipal ownership.
- (l) “Management” means the person(s) duly assigned by the Mayor or his/her designee for the purpose of conducting business and administering the cemetery.
- (m) “Cemetery Office” means the main office maintained for cemetery affairs at the location specified by the Mayor.
- (n) “General Care” means the ordinary upkeep of the land and surroundings of the cemetery, which may be subject to an annual fee.
- (o) “Perpetual Care” means the future perpetual upkeep, repair and general good maintenance of a tomb or mausoleum area by the Mayor’s Office.
- (p) “Annual Dues” means an amount assessed yearly by the Mayor from each non-perpetual care plot holder in order to assist with upkeep.
- (q) “Plot Holder” means the person(s) named in the certificate of right to bury as having the use of burial space(s) for right to human burial or the heirs and assigns of said person(s) or other family or care-taker of the plot.

History: Adopted 29 Com. Reg. 27945 (Dec. 18, 2007); Emergency and Proposed 29 Com. Reg. 26702 (Sept. 17, 2007).

Commission Comment: The paragraphs of this section were undesignated in the original regulation. The Commission designated them as subsections (a) through (q) pursuant to 1 CMC § 3806(a). The Commission corrected the capitalization of terms defined pursuant to 1 CMC § 3806(f). The Commission struck an extraneous “0” from subsection (d) pursuant to 1 CMC § 3806(g). The Commission inserted commas after the words “associates” in subsection (b) and “marble” in subsection (i) pursuant to 1 CMC § 3806(g).

§ 170-20.2-010 Establishment

There is hereby established within the Office of the Mayor a Division of Cemetery management. Said division shall be incorporated within the Municipal Department of Parks and Recreation and the Municipal Cemetery shall be considered a Municipal Park for purposes of maintenance and regulations enforcement.

History: Adopted 29 Com. Reg. 27945 (Dec. 18, 2007); Emergency and Proposed 29 Com. Reg. 26702 (Sept. 17, 2007).

Commission Comment: This section was written as an introduction to section 3 of the original regulation. The Commission moved it to a separate section pursuant to 1 CMC § 3806(a).

§ 170-20.2-015 Proclamation

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

Due to the similarity of cemetery grounds to that of a park, the Mayor may, by proclamation, establish the Tinian Municipal Cemetery as a municipal park thereby extending all the additional rules and regulations of the Municipal Park Unit to the Cemetery.

History: Adopted 29 Com. Reg. 27945 (Dec. 18, 2007); Emergency and Proposed 29 Com. Reg. 26702 (Sept. 17, 2007).

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

§ 170-20.2-020 Administration

(a) The Mayor shall assign at least one person as supervisor and coordinator of this division who shall have full authority to manage the day to day operation and management of the Tinian Municipal Cemetery.

(b) All operational procedures necessary for the maintenance and care of said cemetery shall be assigned to and carried out by the M.O.T. Municipal Park Unit personnel.

(c) The Mayor may establish fees and other costs to carry out the policies and procedures of these regulations. Said fees and costs may be incorporated by reference to these regulations and shall be so stated by amendment to part 700 herein.

History: Adopted 29 Com. Reg. 27945 (Dec. 18, 2007); Emergency and Proposed 29 Com. Reg. 26702 (Sept. 17, 2007).

Commission Comment: The Commission substituted section numbers pursuant to 1 CMC § 3806(d). This section was written as the introduction and subsections (b) and (c) of section 3.2 of the original regulation. The Commission designated this section’s paragraphs and moved former subsection (a) to section 170-20.2-025 pursuant to 1 CMC § 3806(a). The Commission struck the figure “1” from subsection (a) pursuant to 1 CMC § 3806(e).

§ 170-20.2-025 Map

Within thirty days of the establishment of these regulations, the designated Cemetery Supervisor shall establish a plat or map of the entire cemetery grounds which plat or map shall indicate current plot locations, buildings, roads, easements, utilities, or any other item whatsoever located on the grounds. Said plat or map shall also indicate the proposed and future use of all areas of the cemetery grounds not already in use and shall include necessary access roads, easements, utilities, and future plot or building locations.

(a) The plat or map shall be approved by the Mayor in consultation with the Municipal Council.

(b) The plat or map shall be available for review by the public at a location established by the Mayor and Municipal Council.

(c) The plat or map shall be continuously updated by the Cemetery Supervisor as changes occur within the cemetery.

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

History: Adopted 29 Com. Reg. 27945 (Dec. 18, 2007); Emergency and Proposed 29 Com. Reg. 26702 (Sept. 17, 2007).

Commission Comment: This section was written as subsection 3.3(a) of the initial regulation. The Commission moved it to a separate section pursuant to 1 CMC § 3806(a). The Commission struck the figure “30” from the initial paragraph pursuant to 1 CMC § 3806(e). The Commission inserted commas after the word “utilities” in the initial paragraph pursuant to 1 CMC § 3806(g).

§ 170-20.2-030 Hours of Operation

The Municipal Cemetery shall remain open to the public throughout the year from sunrise until sunset. No person may enter the cemetery at any time other than these established hours of operation except by written permission of the Mayor or Cemetery Supervisor.

History: Adopted 29 Com. Reg. 27945 (Dec. 18, 2007); Emergency and Proposed 29 Com. Reg. 26702 (Sept. 17, 2007).

Commission Comment: The Commission moved section 3.4 of the initial regulation to section 170-20.2-101 pursuant to 1 CMC § 3806(a).

§ 170-20.2-035 Co-ordination with Other Agencies

(a) No other agency, entity or person may commence any activity within the Municipal Cemetery until the Mayor or his/her designee or Cemetery Supervisor shall have been consulted. The Mayor, his/her designee or the Cemetery Supervisor reserves the right to refuse to allow any activity that is deemed to be harmful or diminish the beauty and peace of the cemetery or cause a disruption to the normal operation of the cemetery. See “appeals” in section 11*.

(b) The Mayor, or his/her designee and the Cemetery Supervisor shall maintain any permits or other permissions required by any other CNMI or federal agency, including but not limited to, the CNMI Department of Health (BEH) and shall adhere to all requirements of other agencies as necessary for interment, disinterment, or other cemetery activities.

* So in original. See Commission Comment.

History: Adopted 29 Com. Reg. 27945 (Dec. 18, 2007); Emergency and Proposed 29 Com. Reg. 26702 (Sept. 17, 2007).

Commission Comment: Section 11, referred to in subsection (a), does not exist in the initial regulation. The section entitled “Appeals” was located at section 10 and is codified at section 170-20.2-601.

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

Part 100 - Construction

§ 170-20.2-101 Buildings and Construction

(a) The following rights and privileges are hereby expressly reserved to the Mayor to be

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

exercised at any time or from time to time in perpetuity for the erection of buildings, or for any purpose or use connected with, incidental to, or convenient for the care of, preservation of, or preparation for the disposal or interment of dead human bodies or other cemetery purposes; to wit: to resurvey, enlarge, diminish, re-plot, alter in shape or size, or otherwise to change all or any part or portion of the cemetery; or to layout, establish, close, eliminate or otherwise modify or change the location of roads, walks or drives, provided ingress and egress to and from any plot is preserved or allocated to the plot-holder.

(b) The following rights and privileges are hereby expressly reserved to the Mayor to be exercised at any time or from time to time in perpetuity; to wit: easements and rights-of-way over and through all of said cemetery premises for the purpose of installing, maintaining and operating pipelines, conduits or drains for sprinklers, drainage, electric or communications lines or for any other cemetery purpose.

(c) No easement or right of interment is granted to any plot-holder in any road, drive, or walk within the cemetery, but such road, drive, or walk may be used as a means of access to the cemetery and its buildings as long as the Mayor devotes such road, drive, or walk to that purpose and it is being used during hours of opening as defined.

History: Adopted 29 Com. Reg. 27945 (Dec. 18, 2007); Emergency and Proposed 29 Com. Reg. 26702 (Sept. 17, 2007).

Commission Comment: The Commission inserted commas after the words “lines” in subsection (b) and “drive” in subsection (c) pursuant to 1 CMC § 3806(g).

The Commission created the title for part 100.

§ 170-20.2-105 Prior Construction

All plot sites, buildings, memorials or other structures, plantings, or other items comprising that portion of the Tinian Cemetery currently containing burials shall not be subject to removal or alteration of any such items within the area pursuant to these regulations, but shall be subject to these rules and regulations for any future changes, alterations, or construction, or interments and no future additional interments, alterations, or construction shall occur within this area unless in compliance with these rules and regulations.

History: Adopted 29 Com. Reg. 27945 (Dec. 18, 2007); Emergency and Proposed 29 Com. Reg. 26702 (Sept. 17, 2007).

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

Part 200 - Interment

§ 170-20.2-201 Notification

(a) The Mayor or Cemetery Supervisor shall have the right to request those wishing to select

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

a burial place or arrange for an interment to call, e-mail, send by facsimile, or appear in person at the Mayor's Office during office hours at least 72 hours before interment a request for the right to inter or bury a deceased person at the Tinian Municipal Cemetery.

(b) Sufficient documentation must be presented either through a certificate of right to bury or church or other records for the burial to proceed. Cemetery management shall not be liable for delay where such documentation is not available.

(c) The Mayor reserves the right to refuse interment in a burial place in which there has been a previous interment. In preparing for an interment in a previously used burial space, management shall have the right to remove and dispose of old caskets and remains unless otherwise instructed by the plot-holder.

(d) The Mayor reserves the right to refuse an interment when previous burials have used all the available space or the casket is too large for the available space.

History: Adopted 29 Com. Reg. 27945 (Dec. 18, 2007); Emergency and Proposed 29 Com. Reg. 26702 (Sept. 17, 2007).

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

§ 170-20.2-205 Site Selection

The selection of the plot for any particular interment shall be at the discretion of the Cemetery Supervisor. The Cemetery Supervisor shall select interment plots in a sequential manner and in consultation with the requestor such that internal "open" spaces that cannot be reached by suitable equipment for subsequent interments will not be created.

History: Adopted 29 Com. Reg. 27945 (Dec. 18, 2007); Emergency and Proposed 29 Com. Reg. 26702 (Sept. 17, 2007).

§ 170-20.2-210 Funeral and Other Processions

(a) Funeral processions, or any other organized procession, upon entering the cemetery shall be under the control and subject to the direction of the Cemetery Supervisor.

(b) Once a casket is within the confines of the cemetery, no one shall be permitted to open the casket or touch the body without an order of a court or explicit permission of the Cemetery Supervisor or other controlling authority.

History: Adopted 29 Com. Reg. 27945 (Dec. 18, 2007); Emergency and Proposed 29 Com. Reg. 26702 (Sept. 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).

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

§ 170-20.2-215 Grave Opening/Closing

(a) The Cemetery Supervisor or someone so designated by the Cemetery Supervisor is in complete charge of every interment. No grave shall be opened or filled or refilled except under the direction of the Cemetery Supervisor or his/her designee. The Municipality shall not be responsible for the opening or closing of any grave.

(b) There shall be a two feet head space maintained as undisturbed ground for each adult size plot (see section 170-20.2-301) for placement of any monument or marker. The grave plot shall be opened using only the eight feet remainder of the plot length and shall be opened to a depth that allows for a minimum of six feet of earth from the top of the intended burial casket or deeper if future burials are anticipated in the same plot (see section 170-20.2-305).

History: Adopted 29 Com. Reg. 27945 (Dec. 18, 2007); Emergency and Proposed 29 Com. Reg. 26702 (Sept. 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 struck the figures “2”, “8,” and “6” from subsection (b) pursuant to 1 CMC § 3806(e).

§ 170-20.2-220 Disinterment

(a) Disinterment may be made at reasonable times at the discretion of the Cemetery Supervisor. The written order of the plot-holder or his/her legal representative, or an order from competent authority in compliance with law must be given.

(b) Disinterment by the plot-holder for personal reasons shall be carried out by the plot-holder and all applicable CNMI or local regulations shall be followed and such disinterment shall be under the supervision of the Cemetery Supervisor or other required authority.

(c) If the Municipality is ordered to carry out a disinterment by competent authority, the Municipality shall exercise the utmost care in carrying out the disinterment, but it assumes no liability for damage to any casket, burial receptacle, or any other property during the disinterment process.

History: Adopted 29 Com. Reg. 27945 (Dec. 18, 2007); Emergency and Proposed 29 Com. Reg. 26702 (Sept. 17, 2007).

Commission Comment: The paragraphs of this section were undesignated in the original regulation. The Commission designated them as subsections (a) through (c) pursuant to 1 CMC § 3806(a). The Commission inserted a comma after the word “receptacle” in subsection (c) pursuant to 1 CMC § 3806(g).

Part 300 - Grave Specifications

§ 170-20.2-301 Plot Size

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

- (a) The standard plot size for adults shall be no more than five feet by ten feet.
- (b) The standard plot size for infants or innocents shall be no more than four feet by five feet.
- (c) There shall be a minimum three feet space between any two plots.
- (d) Plots of larger sizes in anticipation of multiple family burials may be awarded on a case by case basis at the discretion of the Cemetery Supervisor in consultation with the Mayor and Municipal Council.

History: Adopted 29 Com. Reg. 27945 (Dec. 18, 2007); Emergency and Proposed 29 Com. Reg. 26702 (Sept. 17, 2007).

Commission Comment: The paragraphs of this section were undesignated in the original regulation. The Commission designated them as subsections (a) through (d) pursuant to 1 CMC § 3806(a). The Commission struck the figures “5” and “10” from subsection (a), “4” and “5” from subsection (b), and “3” from subsection (c) pursuant to 1 CMC § 3806(e). The Commission inserted a period at the end of subsection (c) pursuant to 1 CMC § 3806(g).

§ 170-20.2-305 Number of Interments Per Plot

- (a) One interment only shall be allowed in a casket except a parent with his/her infant child or two children buried at the same time. Not more than one casket is allowed in a grave except when prior arrangements for such space specifically provides for such.
- (b) The interment of a casket may be allowed on top of an already interred casket provided the initial burial was at sufficient depth to allow a minimum of six additional feet of earth, measured from the bottom of the second casket, and at least ten years shall have elapsed between burials.
- (c) The interment of up to four cremate remains may be allowed in a single standard adult plot and two cremate remains in an infant or innocents plot. Such cremate remains shall be enclosed in a secure enclosure of either metal or concrete and shall be of no greater size than two cubic feet of internal dimension. No waiting period is required between interments of cremate remains.
- (d) Up to two cremate remains may be interred in the same plot as a previous casket interment provided the initial interment was at a depth sufficient to allow a minimum of five additional feet of earth, measured from the bottom of the cremate remains container, and at least five years shall have elapsed between burials.

History: Adopted 29 Com. Reg. 27945 (Dec. 18, 2007); Emergency and Proposed 29 Com. Reg. 26702 (Sept. 17, 2007).

Commission Comment: The paragraphs of this section were undesignated in the original regulation. The Commission designated them as subsections (a) through (d) pursuant to 1 CMC § 3806(a). The Commission struck the figures “6” and “10” from subsection (b), “4” and “2” from subsection (c), and “2” and “5” from subsection (d)

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

pursuant to 1 CMC § 3806(e).

§ 170-20.2-310 Monuments and Markers

(a) Only one grave marker or monument per plot will be permitted on the grave. This marker shall be at the head of the grave. To avoid possible misunderstanding and difficulty, persons should clear proposed monument and marker plans with the Cemetery Supervisor. Otherwise, these memorials may not conform to the rules and regulations of the cemetery and may, therefore, not be permitted. The cemetery staff has the right to remove or have removed any marker, monument, tree, shrub, or any object that is in the space the grave is to be dug or in an area that prohibits digging the grave or that is erected without conformity to these regulations or without excepted permission of the Cemetery Supervisor or Mayor pursuant to procedures of sections 170-20.2-540 and 170-20.2-545.

(b) No raised marker or monument shall be placed closer than four feet from any other raised marker or monument.

(c) Fences, hedges, coping, installed seating, stone, or gravel shall not be permitted around the perimeter of burial spaces or within the burial space.

(d) All monuments must either be flush with the ground or be at least four inches (4") in height. The base for all flush monuments or upright markers must correspond as closely as possible to the contour of the existing soil surface. No monument may be installed in such a fashion that it extends beyond the boundaries of the designated plot, grave, or headspace that will interfere with future grave openings or the movement of the cemetery maintenance equipment or personnel.

(e) Monuments and/or foundations may not be wider than 80% of the width of its corresponding plot and may not be more than 24" from the front to back (12 inches in the case of an infant or innocents plot) and may not extend more than three feet above the mean soil surface. Small ornamentations such as crosses, markers, or other adornments may be placed at the top of the monument with an overall height restriction of four feet from the mean soil surface and may not occupy more than 10% of the monument's top.

(f) Monuments may not be larger than the base. By request, exceptions may be made on larger plots in areas of the cemetery that will not interfere with the opening of graves or the movement of equipment.

(g) Polished bases or monuments polished to the ground are not recommended, and the Municipality of Tinian and Aguiguan or its employees assume no liability for actual damages in the performance of normal maintenance operations.

(h) The setting of monuments and the transportation of all tools, materials, etc, within the cemetery grounds shall be subject to the supervision and control of the Cemetery Supervisor. No unnecessary damage to the existing turf will be allowed, and all debris is to be removed from the

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

cemetery except soil or sand. Excess soil or sand must either be removed from the cemetery or may be placed in the cemetery stockpile. It may not be used to fill in low areas or distributed on adjacent lots.

(i) Heavy trucking will not be permitted within the cemetery when, in the opinion of the Cemetery Supervisor, such work might cause damage to the grounds or driveways. Once begun, all monument and stone work is to be completed and any accumulated debris is to be removed from the site within a seven-day period. All work must be done during regular cemetery hours of operation, unless by special permission from the Cemetery Supervisor.

(j) Stone work or monuments of any sort, once established in Tinian Municipal Cemetery, may not be removed except by permission of the Cemetery Supervisor.

(k) Vaults or mausoleums are not permitted on plots less than 400 square feet and the portion of the plot occupied by the building shall not exceed 25%. In no case will permission be given to set the building nearer to the plot line than five feet. Where the vault or mausoleum exceeds five feet in height, the setback shall be five feet plus one foot for each additional foot or fraction thereof in height.

(l) All applications for permission to erect such structures shall be made in writing to the Cemetery Supervisor. Complete plans and specifications of the proposed construction, including details of materials, workmanship, method of construction, etc., shall accompany such an application, and the approval of the Building Safety Division of the Department of Public Works for the CNMI shall be obtained before any construction work is begun. The Municipality of Tinian and Aguiguan reserves the right to prohibit the erection of any structure that is not considered to be safe, suitable, desirable, or appropriate to the cemetery.

(m) Before any vault or mausoleum may be erected, the plot-holder shall pay the Municipality an amount of not less than ten percent of the cost of the structure. Check is to be made payable to the Municipal Treasurer and submitted to the Municipal Treasury, and will be used by the Municipality for the future care and maintenance of the cemetery and grounds. Vaults and mausoleums may be placed only on such plots considered to be appropriate for said purpose by the Cemetery Supervisor.

(n) A temporary grave or plot marker used at the time of interment shall not remain in place for longer than three months after interment. If not removed by the plot-holder, the cemetery maintenance staff shall remove same and dispose of it in any manner necessary if it becomes deteriorated in any way.

* So in original.

History: Adopted 29 Com. Reg. 27945 (Dec. 18, 2007); Emergency and Proposed 29 Com. Reg. 26702 (Sept. 17, 2007).

Commission Comment: The paragraphs of this section were undesignated in the original regulation. The Commission designated them as subsections (a) through (n) pursuant to 1 CMC § 3806(a). The Commission

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

substituted section numbers pursuant to 1 CMC § 3806(d). The Commission corrected the capitalization of the word “cemetery” in subsection (c), (f), (h), and (i) pursuant to 1 CMC § 3806(f). The Commission struck the figures “3” and “4” from subsection (e), “5” from subsection (k), “10%” from subsection (m), and “3” from subsection (n) pursuant to 1 CMC § 3806(e). The Commission inserted commas after the words “shrub” in subsection (a), “stone” in subsection (c), “grave” in subsection (d), “markers” in subsection (e), and “desirable” in subsection (l) pursuant to 1 CMC § 3806(g).

§ 170-20.2-315 Adornments

(a) Floral pieces will be removed without notice when they become unsightly. Plot owners desiring to retain floral pieces must remove them within 48 hours after any interment or other display period.

(b) Adjustable receptacles of a type approved by the Cemetery Supervisor may be used to hold flowers. The placing of boxes, jars, bottles, or any other receptacle other than an approved type container are prohibited and will be removed. No rocks, wires, or sticks are allowed, except for the period beginning the Saturday before Memorial Day and within 48 hours of proceedings for All Souls Day, but will be removed before the following Saturday.

(c) Artificial flowers, potted plants and grave decorations are not permitted unless they are in a raised vase or marker, or in the opinion of the staff they do not interfere with mowing the grass or upkeep of the grounds.

(d) Fresh cut flowers are permitted in a vase any time. No planting or any type of plant material or digging or disturbing sod within the cemetery will be permitted. Any flowers, plants, or decorations will be removed if, in the opinion of the Cemetery Supervisor, they become unsightly or detrimental.

History: Adopted 29 Com. Reg. 27945 (Dec. 18, 2007); Emergency and Proposed 29 Com. Reg. 26702 (Sept. 17, 2007).

Commission Comment: The paragraphs of this section were undesignated in the original regulation. The Commission designated them as subsections (a) through (d) pursuant to 1 CMC § 3806(a). The Commission inserted commas after the words “bottles” and “wires” in subsection (a) and “plants” in subsection (d) pursuant to 1 CMC § 3806(g).

Part 400 - Maintenance

§ 170-20.2-401 General and Landscaping

The Mayor’s Office maintenance department shall be responsible for the cemetery’s general grounds maintenance and landscaping. Such maintenance shall be performed on a routine basis such that the common areas of the cemetery are kept free of unsightly overgrowth or other growth detrimental to the overall appearance of the cemetery. Common areas of the cemetery include all spaces between burial plots, road and path ways, unoccupied grounds and fences, gates and borders.

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

History: Adopted 29 Com. Reg. 27945 (Dec. 18, 2007); Emergency and Proposed 29 Com. Reg. 26702 (Sept. 17, 2007).

§ 170-20.2-405 Individual Grave Maintenance

The plot or mausoleum space shall not be used for any purpose other than a place of burial for human remains.

(a) No trees, shrubs or plantings of any type may be placed within the plot or adjacent thereunto without the written permission of the Mayor or Cemetery Supervisor. If any such are placed there by the plot-holder or his/her heirs without written permission of the Mayor or Cemetery Supervisor, then said Mayor or Cemetery Supervisor shall have the right to remove such trees, shrubs or plantings.

(b) It is the duty and responsibility of the plot-holder to maintain their plot and memorial. In the event of default, the Mayor or Cemetery Supervisor reserves and shall have the right (at the expense of the plot-holder and as a charge against said plot) to remove all trees, shrubs, and plantings from the plot as necessary. In the event of default for maintenance to memorials or any other object of embellishment, the Mayor or Cemetery Supervisor shall have the right (at the expense of the plot-holder and as a charge against said plot) to repair or remove any memorial which has become unsightly, dangerous, or dilapidated. Prior to undertaking or causing to be executed any such work, the Mayor or Cemetery Supervisor shall notify the plot-holder at the address on record. The Mayor or Cemetery Supervisor reserves and shall have the right to refuse to permit further interments in the plot until all monies due the cemetery for such services shall have been paid by the plot-holder.

(c) Any work necessary as a result of acts of God, common enemy, thieves, vandals, strikers, malicious mischief makers, explosions, unavoidable accidents, invasions, war, riots, insurrections, the elements, or other conditions or circumstances which render some immediate work necessary in order to protect the public or adjacent property or in the event municipal, health, or police authorities have ordered such work, then and in those events, it shall not be necessary to advise plot-holder or his/her assign or successor, and in all events plot-holder shall be responsible for all work done or damage sustained.

(d) Description of plots/spaces shall be in accordance with the plats/records which are kept on file in the office of the Mayor or other designated office.

(e) Costs for interment and general upkeep of the plot/family tomb and memorial or mausoleum are the responsibility of the plot-holder/heirs.

History: Adopted 29 Com. Reg. 27945 (Dec. 18, 2007); Emergency and Proposed 29 Com. Reg. 26702 (Sept. 17, 2007).

Commission Comment: The Commission inserted commas after the words “dangerous” and “shrubs” in subsection (b) and “elements” and “health” in subsection (c) pursuant to 1 CMC § 3806(g).

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

§ 170-20.2-415 Utilities

All utility services within the cemetery shall be supplied only at strategic locations as determined by the Mayor or Cemetery Supervisor and shall be for exclusive use during the conduct of authorized cemetery activities. No individual utility service or connections will be permitted.

History: Adopted 29 Com. Reg. 27945 (Dec. 18, 2007); Emergency and Proposed 29 Com. Reg. 26702 (Sept. 17, 2007).

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

Part 500 - Rules and Enforcement

§ 170-20.2-501 Prohibitions

The following actions are prohibited within the Tinian Municipal Cemetery:

(a) No person may drive any motor vehicle of any kind in any cemetery except upon the main roads and avenues provided therein for vehicular traffic. Excluded from this prohibition are any types of equipment necessary for grave preparation or monument setting. No person may drive any motor vehicle or park any motor vehicle in any cemetery unless in attendance at burial services or otherwise engaged in activities consistent with the use of the cemetery.

(b) No person may take any dog (unless on a leash), horse, or other animal into the Tinian Municipal Cemetery or allow any animal to run at large therein.

(c) No person may post or attach any bills, posters, placards, pictures, or any form of political or commercial advertising within the cemetery or on the inside or outside of any wall or fence enclosing the cemetery.

(d) No person may pick any flower or damage or harm any plant or lawn area within the cemetery.

(e) No person shall walk upon or across lots or lawns unless it is necessary to gain access to a particular plot.

(f) Bicycles, motorcycles, motorbikes, and all terrain vehicles are prohibited within the cemetery.

(g) No person shall discard any article in the cemetery.

(h) The bringing of firearms into the cemetery, except by military or police escort or by an authorized officer of the Department of Public Safety while in the course of his/her duties, is prohibited. The discharge of, or carrying of, any offensive weapon, such as bow and arrow, air rifles, slingshots, or the hurling of rocks or pellets, is strictly prohibited.

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

History: Adopted 29 Com. Reg. 27945 (Dec. 18, 2007); Emergency and Proposed 29 Com. Reg. 26702 (Sept. 17, 2007).

Commission Comment: The Commission corrected the capitalization of the word “cemetery” in subsections (f), (g), and (h) pursuant to 1 CMC § 3806(f).

§ 170-20.2-505 Disclaimer and Penalties

(a) The Municipality of Tinian and Aguiguan disclaims responsibility for property damage or any injury sustained by any person violating these rules.

(b) The cemetery grounds are sacred and devoted to the burial of the dead. Provisions and penalties of the law, as provided by statute, will be enforced in all cases of wanton injury, disturbance, or disregard of these rules and regulations.

History: Adopted 29 Com. Reg. 27945 (Dec. 18, 2007); Emergency and Proposed 29 Com. Reg. 26702 (Sept. 17, 2007).

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

§ 170-20.2-510 Entry and Exit

Visitors within the cemetery shall use only the roads, drives, and walks allotted by the cemetery for ingress and egress. The Mayor or Cemetery Supervisor expressly disclaims liability for any injuries or harm sustained by anyone violating these rules.

History: Adopted 29 Com. Reg. 27945 (Dec. 18, 2007); Emergency and Proposed 29 Com. Reg. 26702 (Sept. 17, 2007).

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

§ 170-20.2-515 Decorations

(a) The Mayor or Cemetery Supervisor reserves the right to regulate the method of decorations of plots so that uniform beauty may be maintained. All flower vases, if allowed, must be installed with the approval of the Mayor or Cemetery Supervisor. Regulations may also be made concerning type of floral tributes.

(b) The Mayor or Cemetery Supervisor reserves the right to demand and/or arrange the removal of any flowers, vases, and floral designs. If floral frames are not called for by those lawfully entitled to them within ten days after placement, the Mayor or Cemetery Supervisor may remove and dispose of them in any manner they see fit.

History: Adopted 29 Com. Reg. 27945 (Dec. 18, 2007); Emergency and Proposed 29 Com. Reg. 26702 (Sept. 17, 2007).

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

Commission Comment: The Commission inserted a comma after the word “vases” in subsection (b) pursuant to 1 CMC § 3806(g). The Commission struck the figure “10” from subsection (b) pursuant to 1 CMC § 3806(e). The Commission titled this section.

§ 170-20.2-520 Trash

Throwing of rubbish, flowers, weeds, and other trash on roads, drives, paths, walks, or any part of the grounds or in the buildings is prohibited. Receptacles for such trash are to be located at convenient places in the cemetery. Large trash and construction debris must be hauled from the cemetery by the contractor or owner.

History: Adopted 29 Com. Reg. 27945 (Dec. 18, 2007); Emergency and Proposed 29 Com. Reg. 26702 (Sept. 17, 2007).

Commission Comment: The Commission inserted commas after the words “weeds” and “walks” pursuant to 1 CMC § 3806(g). The Commission titled this section.

§ 170-20.2-525 Access

Access to the cemetery shall be limited to hours of operation as established and posted by the Mayor or Cemetery Supervisor. These apply even if the cemetery lacks a gate or fence.

History: Adopted 29 Com. Reg. 27945 (Dec. 18, 2007); Emergency and Proposed 29 Com. Reg. 26702 (Sept. 17, 2007).

§ 170-20.2-530 Monument Repair

If any monument or marker in the Municipality’s cemetery at any time becomes unsafe, unsightly, or in need of repair or resetting, the Mayor or Cemetery Supervisor shall attempt to notify the plot-holder of the relevant plot of such condition and shall request such person to make any needed repairs. This does not mean that the Municipality is obligated to place, replace, or repair any monument or marker in the Municipality’s Cemetery even though case by case repair is considered.

History: Adopted 29 Com. Reg. 27945 (Dec. 18, 2007); Emergency and Proposed 29 Com. Reg. 26702 (Sept. 17, 2007).

§ 170-20.2-535 Rule Modifications

The Mayor or Cemetery Supervisor reserves the right, without notice, to make exceptions, suspensions, or modifications in any of these rules or regulations when, in their judgment, the same appears advisable; and such exceptions, suspensions, or modifications shall in no way be considered as affecting the general application of such rule to others.

History: Adopted 29 Com. Reg. 27945 (Dec. 18, 2007); Emergency and Proposed 29 Com. Reg. 26702 (Sept. 17, 2007).

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

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

§ 170-20.2-540 Infractions

Whenever the Mayor or the Cemetery Supervisor determines that there has been an infraction of rules or requirements as stated in part 200, part 300, part 400, or sections 170-20.2-505 to 170-20.2-535 or subsection thereof, the procedures listed below shall be followed:

- (a) Record and document infractions of these rules and regulations.
- (b) Notify plot-holder or other person of the infraction along with options available for correction by regular mail.
- (c) Allow fourteen days from the date the notice was mailed for compliance or appeal to the Mayor.
- (d) Removal of the items that constitute the infraction by the plot-holder, other person, or the Municipality within ten days.

History: Adopted 29 Com. Reg. 27945 (Dec. 18, 2007); Emergency and Proposed 29 Com. Reg. 26702 (Sept. 17, 2007).

Commission Comment: The Commission substituted section numbers pursuant to 1 CMC § 3806(d). The Commission inserted periods at the ends of subsection (a) and (c) pursuant to 1 CMC § 3806(g). The Commission inserted a comma after the word “person” in subsection (d) pursuant to 1 CMC § 3806(g). The Commission struck the figures “14” from subsection (c) and “10” from subsection (d) pursuant to 1 CMC § 3806(f).

§ 170-20.2-545 Crimes

Whenever the Mayor or the Cemetery Supervisor determines that there has been any criminal activity within the cemetery the procedures listed below shall be followed:

- (a) Record and document the criminal activity.
- (b) Immediately, or as soon thereafter as practical, notify a Department of Public Safety police officer or other authorized enforcement officer to make an official investigation and report of the infraction.
- (c) If the perpetrator of the alleged infraction is apprehended, the person shall be prosecuted in a CNMI court of competent jurisdiction after filing of appropriate charges by the Attorney General of the CNMI.
- (d) Officers of the Department of Public Safety, Municipal Park Rangers, or other authorized enforcement officers within, the CNMI or Municipality shall have concurrent powers to enforce these rules and regulations.

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

History: Adopted 29 Com. Reg. 27945 (Dec. 18, 2007); Emergency and Proposed 29 Com. Reg. 26702 (Sept. 17, 2007).

Commission Comment: The final paragraph was undesignated in the initial regulation. The Commission designated it as subsection (d) pursuant to 1 CMC § 3806(a). The Commission inserted a comma after the word “Rangers” in subsection (d) pursuant to 1 CMC § 3806(g).

§ 170-20.2-601 Appeals

(a) Any person whose request for any action to the Cemetery Supervisor or Mayor has been denied or whosoever believes an unjust action has been taken, may appeal said decision to the Municipal Council who shall have the authority to amend the prior decision, reconsider the request or allow the decision to stand.

(b) Any person deemed guilty of any infraction of these regulations may file an appeal to a CNMI court of competent jurisdiction. In no case shall the Municipality of Tinian and Aguiguan or the officers and staff thereof be held liable for the costs of making such an appeal except in the case where gross negligence has been proven.

History: Adopted 29 Com. Reg. 27945 (Dec. 18, 2007); Emergency and Proposed 29 Com. Reg. 26702 (Sept. 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).

Part 700 - Fees

§ 170-20.2-701 Fees

[Reserved.]

History: Adopted 29 Com. Reg. 27945 (Dec. 18, 2007); Emergency and Proposed 29 Com. Reg. 26702 (Sept. 17, 2007).

§ 170-20.2-705 Revolving Fund

[Reserved.]

History: Adopted 29 Com. Reg. 27945 (Dec. 18, 2007); Emergency and Proposed 29 Com. Reg. 26702 (Sept. 17, 2007).

§ 170-20.2-710 Disposition of Fees

[Reserved.]

History: Adopted 29 Com. Reg. 27945 (Dec. 18, 2007); Emergency and Proposed 29 Com. Reg. 26702 (Sept. 17, 2007).

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

Part 800 - Miscellaneous Provisions

§ 170-20.2-801 Miscellaneous Provisions

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. 27945 (Dec. 18, 2007); Emergency and Proposed 29 Com. Reg. 26702 (Sept. 17, 2007).