

TITLE 85: DEPARTMENT OF LANDS AND NATURAL RESOURCES

SUBCHAPTER 85-50.1

LITTERING AND POSTING SIGNS REGULATIONS

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Subchapter Authority: PL 1-8, ch. 13 (formerly codified at 1 CMC §§ 2651, et seq.); 1 CMC § 2654.

Subchapter History: Amdts Proposed 2 Com. Reg. 438 (Jan. 16, 1980);* Adopted 1 Com. Reg. 427 (Aug. 16, 1979); Proposed 1 Com. Reg. 241 (June 16, 1979).

*A notice of adoption for the 1980 proposed amendments was never published.

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.

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 PL 10-57 repealed and reenacted chapter 13, division 2 of title 1 of the Commonwealth Code, 1 CMC §§ 2651, et seq., and statutorily established the Department of Lands and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).

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The Department of Natural Resources Division of Parks and Grounds (the predecessor to the Division of Parks and Recreation) promulgated the regulations codified in this subchapter pursuant to the authority of PL 1-8. A notice of adoption for the 1980 proposed amendments was never published. However, the 1980 notice of proposed regulations stated: “If no comments are received within 30 days from the date of this publication, this amendment shall adopted [sic] without further notice and will have the force of law.” 2 Com. Reg. at 438 (Jan. 16, 1980).

Part 001 - General Provisions

§ 85-50.1-001 Authority

Pursuant to chapter 13, §§ 3(c), 3(g) and § 5 of PL 1-8, and as further provided for in chapter 9.24 of the Code of the Commonwealth of the Mariana Islands, the regulations in this subchapter are hereby approved and promulgated.

Modified, 1 CMC § 3806(d), (f).

History: Amdts Proposed 2 Com. Reg. 438 (Jan. 16, 1980); Adopted 1 Com. Reg. 427 (Aug. 16, 1979); Proposed 1 Com. Reg. 241 (June 16, 1979).

Commission Comment: A notice of adoption for the 1980 proposed amendments was not published. However, the 1980 notice of proposed regulations stated: “If no comments are received within 30 days from the date of this publication, this amendment shall [be] adopted without further notice and will have the force of law.” 2 Com. Reg. at 438 (Jan. 16, 1980). The Commission, therefore, has incorporated the changes.

The 1980 amendments readopted and republished the 1979 Littering and Posting Signs Regulations in their entirety and therefore the Commission cites the 1980 amendments in the history sections throughout this subchapter.

§ 85-50.1-005 Purpose

To establish regulations on littering and posting of signs in public land and property. The regulations in this subchapter shall apply to all persons and islands within the Commonwealth of the Northern Mariana Islands except the Island of Medinilla.

Modified, 1 CMC § 3806(d), (f).

History: Amdts Proposed 2 Com. Reg. 438 (Jan. 16, 1980); Adopted 1 Com. Reg. 427 (Aug. 16, 1979); Proposed 1 Com. Reg. 241 (June 16, 1979).

Commission Comment: See the commission comment to § 85-50.1-001.

Part 100 - Littering and Posting Signs

§ 85-50.1-101 Littering

(a) No person shall throw, place or put any rubbish, garbage, cans, bottles, debris, or other litters upon any road, highway, or upon any public land within the Commonwealth of the Northern Mariana Islands, unless designated as a dumping area.

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(b) It is prohibited to overload government, business or private dump trucks and other vehicles, i.e. pick up truck, flatbed truck, trailers, etc. thereby causing spillage of coral rocks, sand, aggregate, garbage, debris, trash, or any other substance on public road, public highway, road shoulder, or upon any public land.

History: Amdts Proposed 2 Com. Reg. 438 (Jan. 16, 1980); Adopted 1 Com. Reg. 427 (Aug. 16, 1979); Proposed 1 Com. Reg. 241 (June 16, 1979).

Commission Comment: See the commission comment to § 85-50.1-001. The Commission inserted commas after the words “debris” in subsection (a) and “shoulder” in subsection (b) pursuant to 1 CMC § 3806(g).

§ 85-50.1-105 Posting of Signs

(a) No person shall place any signs, advertisements, political notices:

- (1) On any public land;
- (2) On government right of way;
- (3) Upon any tree within public land;
- (4) Upon telephone poles;
- (5) On any public buildings and facilities thereby damaging, defacing, or interrupting the normal situation of the above public property, except on approved bulletin boards and walls.

(b) Exception: Signs, such as, but not limited to, approved traffic control signs, anti-litter signs, approved construction work or hazard signs placed by the government or its agents shall be exempt from coverage of the regulations in this subchapter. Further, in the discretion of the Director, Department of Natural Resources, approval may be granted for the placing of non-commercial, non-political, or charitable announcements if such announcements are in the interest of the general community.

Modified, 1 CMC § 3806(d), (g).

History: Amdts Proposed 2 Com. Reg. 438 (Jan. 16, 1980); Adopted 1 Com. Reg. 427 (Aug. 16, 1979); Proposed 1 Com. Reg. 241 (June 16, 1979).

Commission Comment: See the commission comment to § 85-50.1-001. The 1980 amendments added a new subsection (b).

In subsection (a)(5), the Commission corrected the spelling of “bulletin.” The Commission added semicolons at the ends of subsections (a)(1) through (a)(4) and commas after the words “defacing” in subsection (a)(5) and “non-political” in subsection (b) pursuant to 1 CMC § 3806(g).

With respect to the reference to the Department of Natural Resources, 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. See also the general comment to this subchapter.

§ 85-50.1-110 Definitions

(a) Dumping area - is the approved location for disposal of garbage, rubbish, bottles, cans, debris, and other litters.

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(b) Litter - waste paper, garbage, straw, hay, leaves, twigs, tree branches, tree stumps, etc.

History: Amdts Proposed 2 Com. Reg. 438 (Jan. 16, 1980); Adopted 1 Com. Reg. 427 (Aug. 16, 1979); Proposed 1 Com. Reg. 241 (June 16, 1979).

Commission Comment: See the commission comment to § 85-50.1-001.

§ 85-50.1-115 Enforcement

The provisions of the regulations in this subchapter shall be enforced by the Department of Public Safety and/or special enforcement personnel of the Department of Natural Resources deputized by the CNMI.

Modified, 1 CMC § 3806(d).

History: Amdts Proposed 2 Com. Reg. 438 (Jan. 16, 1980); Adopted 1 Com. Reg. 427 (Aug. 16, 1979); Proposed 1 Com. Reg. 241 (June 16, 1979).

Commission Comment: See the commission comment to § 85-50.1-001.

§ 85-50.1-120 Penalty for Violations

Violators upon conviction, shall be fined not more than one hundred dollars or imprisoned for a period of not more than thirty days, or both such imprisonment and fine.

Modified, 1 CMC § 3806(g).

History: Amdts Proposed 2 Com. Reg. 438 (Jan. 16, 1980); Adopted 1 Com. Reg. 427 (Aug. 16, 1979); Proposed 1 Com. Reg. 241 (June 16, 1979).

Commission Comment: See the commission comment to § 85-50.1-001.

The Commission changed “violations” to “violators” to correct a manifest error.