

TITLE 90: MARIANAS VISITORS AUTHORITY

CHAPTER 90-30 VENDOR SITE REGULATIONS

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Chapter Authority: 4 CMC § 2128.

Chapter History: Adopted 21 Com. Reg. 16799 (May 19, 1999); Proposed 21** Com. Reg. 16461 (Feb. 18, 1999); Amdts Proposed 18 Com. Reg. 14819 (Dec. 15, 1996);* Amdts Emergency 18 Com. Reg. 14147 (June 15, 1996) (effective for 120 days from June 6, 1996); Amdts Adopted 14 Com. Reg. 10363 (Dec. 15, 1992); Amdts Proposed 14 Com. Reg. 9974 (Oct. 15, 1992); Amdts Certified 14 Com. Reg. 8655 (Jan. 15, 1992); Amdts Adopted 12 Com. Reg. 7146 (June 15, 1990); Amdts Proposed 12 Com. Reg. 6874 (Apr. 15, 1990); Amdts Emergency 11 Com. Reg. 6693 (Dec. 15, 1989) (effective for 120 days from Dec. 1, 1989); Adopted 8 Com. Reg. 4542 (Sept. 15, 1986); Proposed 8 Com. Reg. 4181 (Jan. 17, 1986).

*A notice of adoption for the 1996 proposed amendments was never published.

**Commonwealth Register volume 21, number 2, pages 16459-16571 are mislabeled volume 20.

Commission Comment: PL 11-15 (effective June 17, 1998), the "Marianas Visitors Authority Act of 1998," codified as amended at 4 CMC §§ 2101-2145, created the Marianas Visitors Authority (MVA) as the successor to the Marianas Visitors Bureau. The Marianas Visitors Bureau had existed in accordance with title 4, div. 2, ch. 1 of the Commonwealth Code since February 11, 1976. PL 11-15 § 23 repealed title 4, div. 2, ch. 1 and enacted new statutory provisions creating the Marianas Visitors Authority and charging MVA with promoting tourism in the Commonwealth. See 4 CMC §§ 2102 and 2103; see also the commission comment to 4 CMC § 2101.

PL 11-15 § 22 also vacated Executive Order 94-3 § 302(b). 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. Executive Order 94-3 § 302(b) allocated the Marianas Visitors

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Bureau to the Department of Commerce for purposes of administration and made changes to the structure of the Bureau's Board of Directors. The full text of Executive Order 94-3 is set forth in the commission comment to 1 CMC § 2001.

PL 11-15 §§ 17-21, 4 CMC §§ 2141-2145, provide for the transition of property, personnel and authority from the Marianas Visitors Bureau to the MVA. PL 11-15 § 15 authorizes MVA to adopt rules and regulations necessary to implement the provisions of the act. See 4 CMC § 2128.

MVA promulgated the 1999 Vendor Site Regulations codified in this chapter. Prior to 1999, the Marianas Visitors Bureau administered the 1986 Designated Tourist Site Regulations, as amended by the 1990 Revised Designated Tourist Site Regulations, pursuant to the authority of former 4 CMC §§ 2101, et seq. These precursor regulations are cited in the history sections of this chapter where applicable.

PL 17-54 (Sept. 26, 2011) changed the composition of the Marianas Visitors Authority's board of directors.

Part 001 - General Provisions

§ 90-30-001 Purposes

(a) The Marianas Visitors Authority (MVA) has adopted the Vendor Site Regulations codified in this chapter so that a uniform policy can be implemented and maintained for all vendor permits issued by MVA in the Commonwealth of the Northern Mariana Islands.

(b) Purposes and Policies. The underlying purposes and policies of these regulations are:

- (1) To maintain the natural beauty and preserve the historical and cultural importance of attraction sites in the CNMI, as well as provide for safe and enjoyable recreational activities;
- (2) To promote the manufacture of indigenous handicrafts and products;
- (3) To collect funds so that the maintenance of designated vendor sites may be self-sustaining;
- (4) To ensure that designated vendor sites are kept in a safe, clean and sanitary condition for the betterment of the tourist industry and the people of the Northern Mariana Islands.

Modified, 1 CMC § 3806(d), (f).

History: Adopted 21 Com. Reg. 16799 (May 19, 1999); Proposed 21 Com. Reg. 16461 (Feb. 18, 1999); Amdts Certified 14 Com. Reg. 8655 (Jan. 15, 1992); Amdts Adopted 12 Com. Reg. 7146 (June 15, 1990); Amdts Proposed 12 Com. Reg. 6874 (Apr. 15, 1990); Amdts Emergency 11 Com. Reg. 6693 (Dec. 15, 1989) (effective for 120 days from Dec. 1, 1989); Adopted 8 Com. Reg. 4542 (Sept. 15, 1986); Proposed 8 Com. Reg. 4181 (Jan. 17, 1986).

Commission Comment: The 1999 regulations amended subsections (a), (b)(3) and (b)(4).

§ 90-30-005 Authority and Effect

The regulations in this chapter are promulgated under the following authority: Public Law 11-15 [4 CMC §§ 2101-2145] gives MVA the authority to encourage, authorize,

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license, regulate, and control commercial uses on or near tourist sites. Tourist sites under MVA's jurisdiction are attached hereto as Saipan (appendix A) Tinian (appendix B) Rota (appendix C).

Modified, 1 CMC § 3806(d), (f).

History: Adopted 21 Com. Reg. 16799 (May 19, 1999); Proposed 21 Com. Reg. 16461 (Feb. 18, 1999); Amdts Certified 14 Com. Reg. 8655 (Jan. 15, 1992); Amdts Adopted 12 Com. Reg. 7146 (June 15, 1990); Amdts Proposed 12 Com. Reg. 6874 (Apr. 15, 1990); Amdts Emergency 11 Com. Reg. 6693 (Dec. 15, 1989) (effective for 120 days from Dec. 1, 1989); Adopted 8 Com. Reg. 4542 (Sept. 15, 1986); Proposed 8 Com. Reg. 4181 (Jan. 17, 1986).

§ 90-30-010 Severability

If any provision of the regulations in this chapter or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or application of these regulations which can be given effect consistent with the purposes and policies of these regulations without the invalid provision of the application, and to this end, the provisions of this regulation are severable.

Modified, 1 CMC § 3806(d).

History: Adopted 21 Com. Reg. 16799 (May 19, 1999); Proposed 21 Com. Reg. 16461 (Feb. 18, 1999); Amdts Certified 14 Com. Reg. 8655 (Jan. 15, 1992); Amdts Adopted 12 Com. Reg. 7146 (June 15, 1990); Amdts Proposed 12 Com. Reg. 6874 (Apr. 15, 1990); Amdts Emergency 11 Com. Reg. 6693 (Dec. 15, 1989) (effective for 120 days from Dec. 1, 1989); Adopted 8 Com. Reg. 4542 (Sept. 15, 1986); Proposed 8 Com. Reg. 4181 (Jan. 17, 1986).

§ 90-30-015 Definitions

As used in this chapter the following definitions apply:

(a) "Indigenous handicrafts" shall mean: Craft items created and made in the Commonwealth which are traditional in their type or style or which in some way depict the culture or history of the Mariana Islands.

(b) "Vendor site" shall mean: A physical site set forth in the appendices of this chapter over which MVA has the authority to encourage, authorize, license, regulate, and control commercial uses.

(c) "Vendor stand" shall mean: A specific area within a vendor site within which an individual vendor's operation must be confined.

Modified, 1 CMC § 3806(d), (f).

History: Adopted 21 Com. Reg. 16799 (May 19, 1999); Proposed 21 Com. Reg. 16461 (Feb. 18, 1999); Amdts Certified 14 Com. Reg. 8655 (Jan. 15, 1992); Amdts Adopted 12 Com. Reg. 7146 (June 15, 1990); Amdts Proposed 12 Com. Reg. 6874 (Apr. 15, 1990); Amdts Emergency 11 Com. Reg. 6693 (Dec. 15, 1989) (effective for 120 days from Dec. 1, 1989); Adopted 8 Com. Reg. 4542 (Sept. 15, 1986); Proposed 8 Com. Reg. 4181 (Jan. 17, 1986).

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Commission Comment: The 1990 amendments amended subsection (a). The 1999 regulations deleted former subsections (a) and (c), re-designated the remaining subsections and amended subsections (b) and (c). The Commission inserted a comma after the word “regulate” in subsection (b) pursuant to 1 CMC § 3806(g).

Part 100 - Designated Vendor Sites

§ 90-30-101 Vendor Sites

The following places in the Northern Mariana Islands are governed by the regulations in this chapter: MVA:

- (a) Saipan (appendix A)
- (b) Tinian (appendix B)
- (c) Rota (appendix C)

Modified, 1 CMC § 3806(d), (f).

History: Adopted 21 Com. Reg. 16799 (May 19, 1999); Proposed 21 Com. Reg. 16461 (Feb. 18, 1999); Amdts Certified 14 Com. Reg. 8655 (Jan. 15, 1992); Amdts Adopted 12 Com. Reg. 7146 (June 15, 1990); Amdts Proposed 12 Com. Reg. 6874 (Apr. 15, 1990); Amdts Emergency 11 Com. Reg. 6693 (Dec. 15, 1989) (effective for 120 days from Dec. 1, 1989); Adopted 8 Com. Reg. 4542 (Sept. 15, 1986); Proposed 8 Com. Reg. 4181 (Jan. 17, 1986).

Commission Comment: The 1999 regulations amended the opening paragraph.

Part 200 - Permits

§ 90-30-201 Permit Required

Any person who intends to sell, lease, or otherwise transfer for gain or profit, any merchandise or service specified in § 90-30-301 of this chapter within a designated vendor site as specified in part 100 shall first obtain a permit from MVA. All vendor permits issued by MVA must include a permit from CRM if the site is within 150 feet of the high water mark. All vendor permit holders must secure and maintain a valid business license from the Department of Commerce. All permits issued by MVA are non-transferable unless by prior written authorization by MVA.

Modified, 1 CMC § 3806(c), (d), (f).

History: Adopted 21 Com. Reg. 16799 (May 19, 1999); Proposed 21 Com. Reg. 16461 (Feb. 18, 1999); Amdts Certified 14 Com. Reg. 8655 (Jan. 15, 1992); Amdts Adopted 12 Com. Reg. 7146 (June 15, 1990); Amdts Proposed 12 Com. Reg. 6874 (Apr. 15, 1990); Amdts Emergency 11 Com. Reg. 6693 (Dec. 15, 1989) (effective for 120 days from Dec. 1, 1989); Adopted 8 Com. Reg. 4542 (Sept. 15, 1986); Proposed 8 Com. Reg. 4181 (Jan. 17, 1986).

§ 90-30-205 Application Forms

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Applications for permits will be accepted only on forms approved by CRM and MVA.

History: Adopted 21 Com. Reg. 16799 (May 19, 1999); Proposed 21 Com. Reg. 16461 (Feb. 18, 1999); Amdts Certified 14 Com. Reg. 8655 (Jan. 15, 1992); Amdts Adopted 12 Com. Reg. 7146 (June 15, 1990); Amdts Proposed 12 Com. Reg. 6874 (Apr. 15, 1990); Amdts Emergency 11 Com. Reg. 6693 (Dec. 15, 1989) (effective for 120 days from Dec. 1, 1989); Adopted 8 Com. Reg. 4542 (Sept. 15, 1986); Proposed 8 Com. Reg. 4181 (Jan. 17, 1986).

§ 90-30-210 Fees

A fee of \$200.00 shall accompany an application under § 90-30-205. In the event the application is not approved, the fee shall be refunded.

Modified, 1 CMC § 3806(c).

History: Adopted 21 Com. Reg. 16799 (May 19, 1999); Proposed 21 Com. Reg. 16461 (Feb. 18, 1999); Amdts Adopted 14 Com. Reg. 10363 (Dec. 15, 1992); Amdts Proposed 14 Com. Reg. 9974 (Oct. 15, 1992); Amdts Certified 14 Com. Reg. 8655 (Jan. 15, 1992); Amdts Adopted 12 Com. Reg. 7146 (June 15, 1990); Amdts Proposed 12 Com. Reg. 6874 (Apr. 15, 1990); Amdts Emergency 11 Com. Reg. 6693 (Dec. 15, 1989) (effective for 120 days from Dec. 1, 1989); Adopted 8 Com. Reg. 4542 (Sept. 15, 1986); Proposed 8 Com. Reg. 4181 (Jan. 17, 1986).

§ 90-30-215 Accompanying Documents and Information

In addition to the fee specified in § 90-30-210, an application must be accompanied by the following:

- (a) If applying to sell food, or beverages, a valid health certificate issued by the Department of Public Health;
- (b) Proof of adequate insurance according to type of operation being permitted;
- (c) Any other permits or certificates required by law to operate the vendor's business at that location;
- (d) A mailing address where notices may be mailed;
- (e) Any other information MVA may require for consideration of the application.
- (f) For motorized and non-motorized sporting rentals permit applications only: Each motorized and non-motorized sporting rentals permit application must include an applicant's sealed bid for a one year permit.

Modified, 1 CMC § 3806(c), (f).

History: Adopted 21 Com. Reg. 16799 (May 19, 1999); Proposed 21 Com. Reg. 16461 (Feb. 18, 1999); Amdts Adopted 14 Com. Reg. 10363 (Dec. 15, 1992); Amdts Proposed 14 Com. Reg. 9974 (Oct. 15, 1992); Amdts Certified 14 Com. Reg. 8655 (Jan. 15, 1992); Amdts Adopted 12 Com. Reg. 7146 (June 15, 1990); Amdts Proposed 12 Com. Reg. 6874 (Apr. 15, 1990); Amdts Emergency 11 Com. Reg. 6693 (Dec. 15, 1989) (effective for 120 days from Dec. 1, 1989); Adopted 8 Com. Reg. 4542 (Sept. 15, 1986); Proposed 8 Com. Reg. 4181 (Jan. 17, 1986).

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15, 1989) (effective for 120 days from Dec. 1, 1989); Adopted 8 Com. Reg. 4542 (Sept. 15, 1986); Proposed 8 Com. Reg. 4181 (Jan. 17, 1986).

Commission Comment: The 1990 amendments deleted former subsection (a), re-designated accordingly and amended the opening paragraph. The 1992 amendments added new subsection (d) and re-designated the then-existing subsections. The 1999 regulations added new subsection (f) and amended subsection (e). The Commission inserted an apostrophe in the word “applicant’s” in subsection (f) pursuant to 1 CMC § 3806(g).

§ 90-30-220 Designation of Vendor Sites

(a) MVA may designate one or more vendor stand locations within each vendor site under its jurisdiction. For each designated vendor site MVA shall determine which, if any, category or categories of operation, as specified in § 90-30-301 may be conducted at a vendor site under its jurisdiction. Not more than* one permit for each category of operation will be granted for each vendor site.

(b) MVA may designate new vendor sites and new categories of operation for existing vendor sites, if the designations do not violate existing laws.

* So in original.

Modified, 1 CMC § 3806(c), (f).

History: Adopted 21 Com. Reg. 16799 (May 19, 1999); Proposed 21 Com. Reg. 16461 (Feb. 18, 1999); Amdts Certified 14 Com. Reg. 8655 (Jan. 15, 1992); Amdts Adopted 12 Com. Reg. 7146 (June 15, 1990); Amdts Proposed 12 Com. Reg. 6874 (Apr. 15, 1990); Amdts Emergency 11 Com. Reg. 6693 (Dec. 15, 1989) (effective for 120 days from Dec. 1, 1989); Adopted 8 Com. Reg. 4542 (Sept. 15, 1986); Proposed 8 Com. Reg. 4181 (Jan. 17, 1986).

Commission Comment: The 1990 amendments amended subsection (a). The 1999 regulations amended subsections (a) and (b).

§ 90-30-225 Permit Categories

A permit under part 200 shall issue only to the following categories of operation:

- (a) Food and beverages;
- (b) Locally grown and processed foods, such as papayas, bananas, and coconuts;
- (c) Motorized and non-motorized sporting rentals;
- (d) Indigenous handicrafts (souvenirs, mwarmwars, etc.)
- (e) Sundries such as cigarettes, films, and photo supplies.

Modified, 1 CMC § 3806(c), (f).

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History: Adopted 21 Com. Reg. 16799 (May 19, 1999); Proposed 21 Com. Reg. 16461 (Feb. 18, 1999); Amdts Adopted 14 Com. Reg. 10363 (Dec. 15, 1992); Amdts Proposed 14 Com. Reg. 9974 (Oct. 15, 1992); Amdts Certified 14 Com. Reg. 8655 (Jan. 15, 1992); Amdts Adopted 12 Com. Reg. 7146 (June 15, 1990); Amdts Proposed 12 Com. Reg. 6874 (Apr. 15, 1990); Amdts Emergency 11 Com. Reg. 6693 (Dec. 15, 1989) (effective for 120 days from Dec. 1, 1989); Adopted 8 Com. Reg. 4542 (Sept. 15, 1986); Proposed 8 Com. Reg. 4181 (Jan. 17, 1986).

Commission Comment: The 1990 amendments amended the opening paragraph. The 1992 amendments amended subsection (c). The 1999 regulations moved this section from former Article IV § 1 with numerous amendments. See 8 Com. Reg. at 4548 (Sept. 15, 1986). The Commission inserted a comma after the word “films” in subsection (e) pursuant to 1 CMC § 3806(g).

§ 90-30-230 Permit Decision

(a) For all permit categories except motorized and non-motorized sporting rentals:

(1) At least one month prior to the end of the permit year, MVA shall publish notices specifying a period of time in which persons may apply for available vendor permits. MVA shall receive all permit applications for which the fee has been paid, and shall consider the applications in the following manner:

(i) A determination shall be made as to whether the applicant has sufficient experience, resources, and background to conduct the vending operation in a safe, healthy, and successful manner.

(ii) Qualified applicants for each vendor site shall be separated according to category of operation.

(iii) If for any vendor site there are more qualified applicants for a given category of operation than vendor sites which allow that category of operation, MVA shall give preference to qualified businesses owned by local residents. As between two or more qualified businesses owned by local residents, MVA shall draw lots to determine which vendor shall receive the permit.

(iv) At a vendor site where there is only one vendor stand, MVA shall have the discretion to issue a vendor permit for the vendor stand based on its determination of the best proposal for the site, regardless of the number of applicants.

(2) Each permit shall be granted for a maximum period of one year. All permits for a given vendor site shall expire on the last day of each calendar year regardless of when the decision on the application for a particular vendor site is made. A permit shall automatically expire 30 days after its effective date if the vendor has not commenced operations within that 30-day period.

(b) Permits for motorized and non-motorized sporting rentals:

(1) At least one month prior to the end of the permit year, MVA shall publish notices specifying a period of time in which persons may apply for available motorized and non-motorized sporting rentals vendor permits. MVA shall receive all permit applications for which the fee has been paid, and shall consider the applications in the following manner:

(i) A determination shall be made as to whether the applicant has sufficient experience, resources and background to conduct the motorized and non-motorized sporting rentals vending operation in a safe, healthy, and successful manner.

(ii) Each motorized and non-motorized sporting rentals permit will be awarded to an applicant deemed qualified by MVA to operate a motorized and non-motorized sporting

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rentals vendor site, and who submits the highest bid for the yearly permit for a specified vendor site. Payments will be calculated on a monthly basis and will be due on the first day of each month.

(2) Each permit shall be granted for a maximum period of one year. All permits for a given vendor site shall expire on the last day of each calendar year regardless of when the decision on the application for a particular vendor site is made. A permit shall automatically expire 30 days after its effective date if the vendor has not commenced operations within that 30-day period.

Modified, 1 CMC § 3806(f).

History: Adopted 21 Com. Reg. 16799 (May 19, 1999); Proposed 21 Com. Reg. 16461 (Feb. 18, 1999); Amdts Adopted 14 Com. Reg. 10363 (Dec. 15, 1992); Amdts Proposed 14 Com. Reg. 9974 (Oct. 15, 1992); Amdts Certified 14 Com. Reg. 8655 (Jan. 15, 1992); Amdts Adopted 12 Com. Reg. 7146 (June 15, 1990); Amdts Proposed 12 Com. Reg. 6874 (Apr. 15, 1990); Amdts Emergency 11 Com. Reg. 6693 (Dec. 15, 1989) (effective for 120 days from Dec. 1, 1989); Adopted 8 Com. Reg. 4542 (Sept. 15, 1986); Proposed 8 Com. Reg. 4181 (Jan. 17, 1986).

Commission Comment: The 1990 amendments amended subsections (a)(1)(iii) and (a)(2). The 1992 amendments amended subsections (a)(1) and (a)(2). The 1999 regulations amended subsection (a)(1) and (a)(2) and added new subsection (b).

The 1990 amendments deleted article III § 8, entitled “Annual Renewal.” See 8 Com. Reg. 4547 (Sept. 15, 1986). The 1999 regulations deleted former Article III § 7, entitled “Existing Vendor Operations.” See 12 Com. Reg. at 6880 (Apr. 15, 1990).

The Commission inserted commas after the words “resources” and “healthy” in subsection (a)(1)(i) and “healthy” in subsection (b)(1)(i) pursuant to 1 CMC § 3806(g).

Part 300 - Miscellaneous

§ 90-30-301 Structures

All structures, carts or booths, shall be:

- (a) Of a type and size approved by MVA and other required governmental agencies;
- (b) Erected only in the vendor site assigned to the permit;
- (c) Removed by the end of each day unless otherwise stated in the permit granted.

Modified, 1 CMC § 3806(f).

History: Adopted 21 Com. Reg. 16799 (May 19, 1999); Proposed 21 Com. Reg. 16461 (Feb. 18, 1999); Amdts Certified 14 Com. Reg. 8655 (Jan. 15, 1992); Amdts Adopted 12 Com. Reg. 7146 (June 15, 1990); Amdts Proposed 12 Com. Reg. 6874 (Apr. 15, 1990); Amdts Emergency 11 Com. Reg. 6693 (Dec. 15, 1989) (effective for 120 days from Dec. 1, 1989); Adopted 8 Com. Reg. 4542 (Sept. 15, 1986); Proposed 8 Com. Reg. 4181 (Jan. 17, 1986).

Commission Comment: The 1999 regulations amended subsections (a) and (c).

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§ 90-30-305 Display of Permit

A vendor shall at all times conspicuously display the permit issued under the regulations in this chapter.

Modified, 1 CMC § 3806(d).

History: Adopted 21 Com. Reg. 16799 (May 19, 1999); Proposed 21 Com. Reg. 16461 (Feb. 18, 1999); Amdts Certified 14 Com. Reg. 8655 (Jan. 15, 1992); Amdts Adopted 12 Com. Reg. 7146 (June 15, 1990); Amdts Proposed 12 Com. Reg. 6874 (Apr. 15, 1990); Amdts Emergency 11 Com. Reg. 6693 (Dec. 15, 1989) (effective for 120 days from Dec. 1, 1989); Adopted 8 Com. Reg. 4542 (Sept. 15, 1986); Proposed 8 Com. Reg. 4181 (Jan. 17, 1986).

§ 90-30-310 Occupation of Area

A vendor shall occupy only the area specifically assigned by MVA within the designated vendor site.

Modified, 1 CMC § 3806(f).

History: Adopted 21 Com. Reg. 16799 (May 19, 1999); Proposed 21 Com. Reg. 16461 (Feb. 18, 1999); Amdts Certified 14 Com. Reg. 8655 (Jan. 15, 1992); Amdts Adopted 12 Com. Reg. 7146 (June 15, 1990); Amdts Proposed 12 Com. Reg. 6874 (Apr. 15, 1990); Amdts Emergency 11 Com. Reg. 6693 (Dec. 15, 1989) (effective for 120 days from Dec. 1, 1989); Adopted 8 Com. Reg. 4542 (Sept. 15, 1986); Proposed 8 Com. Reg. 4181 (Jan. 17, 1986).

§ 90-30-315 Sign

Each vendor shall display a sign no larger than* 2 ft. by 4 ft. indicating the business's name, the products or merchandise being sold or rented and their values. The sign shall be attached to the vendor's structure.

* So in original.

History: Adopted 21 Com. Reg. 16799 (May 19, 1999); Proposed 21 Com. Reg. 16461 (Feb. 18, 1999); Amdts Certified 14 Com. Reg. 8655 (Jan. 15, 1992); Amdts Adopted 12 Com. Reg. 7146 (June 15, 1990); Amdts Proposed 12 Com. Reg. 6874 (Apr. 15, 1990); Amdts Emergency 11 Com. Reg. 6693 (Dec. 15, 1989) (effective for 120 days from Dec. 1, 1989); Adopted 8 Com. Reg. 4542 (Sept. 15, 1986); Proposed 8 Com. Reg. 4181 (Jan. 17, 1986).

§ 90-30-320 Solicitation

No vendor shall solicit, advertise, or sell any of his/her product or merchandise outside his/her vendor site. This prohibition does not include advertisement in the newspaper, radios, or cable TV.

History: Adopted 21 Com. Reg. 16799 (May 19, 1999); Proposed 21 Com. Reg. 16461 (Feb. 18, 1999); Amdts Certified 14 Com. Reg. 8655 (Jan. 15, 1992); Amdts Adopted 12 Com. Reg. 7146 (June 15, 1990); Amdts Proposed 12 Com. Reg. 6874 (Apr. 15, 1990); Amdts Emergency 11 Com. Reg. 6693 (Dec. 15, 1989) (effective for 120 days from Dec. 1, 1989); Adopted 8 Com. Reg. 4542 (Sept. 15, 1986); Proposed 8 Com. Reg. 4181 (Jan. 17, 1986).

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

§ 90-30-325 Cleanliness and Orderliness

Vendors shall maintain their vendor site in a clean and orderly fashion. Vendors shall remove all trash, refuse, and other materials from the vendor sites at the end of each day and shall not use the MVA trash containers.

Modified, 1 CMC § 3806(f).

History: Adopted 21 Com. Reg. 16799 (May 19, 1999); Proposed 21 Com. Reg. 16461 (Feb. 18, 1999); Amdts Adopted 14 Com. Reg. 10363 (Dec. 15, 1992); Amdts Proposed 14 Com. Reg. 9974 (Oct. 15, 1992); Amdts Certified 14 Com. Reg. 8655 (Jan. 15, 1992); Amdts Adopted 12 Com. Reg. 7146 (June 15, 1990); Amdts Proposed 12 Com. Reg. 6874 (Apr. 15, 1990); Amdts Emergency 11 Com. Reg. 6693 (Dec. 15, 1989) (effective for 120 days from Dec. 1, 1989); Adopted 8 Com. Reg. 4542 (Sept. 15, 1986); Proposed 8 Com. Reg. 4181 (Jan. 17, 1986).

§ 90-30-330 Vendor Employees

Vendors shall limit the number of employees at the vendor site to three persons. Vendors shall be responsible for ensuring that people who are not employees or customers of the vendor’s operation do not loiter and disturb other vendors and tourists, and shall further be responsible for ensuring that employees wear some kind of visible emblem of identification. In addition, vendors shall provide MVA and CRM with a current list of employees and shall not employ any person with a record of conviction for a felony, or who is on probation or parole for a felony adjudication.

Modified, 1 CMC § 3806(f).

History: Adopted 21 Com. Reg. 16799 (May 19, 1999); Proposed 21 Com. Reg. 16461 (Feb. 18, 1999).

§ 90-30-335 Destruction of Trees and Improvements

No sign or other items may be attached to trees, shrubs, or park improvements.

History: Adopted 21 Com. Reg. 16799 (May 19, 1999); Proposed 21 Com. Reg. 16461 (Feb. 18, 1999); Amdts Certified 14 Com. Reg. 8655 (Jan. 15, 1992); Amdts Adopted 12 Com. Reg. 7146 (June 15, 1990); Amdts Proposed 12 Com. Reg. 6874 (Apr. 15, 1990); Amdts Emergency 11 Com. Reg. 6693 (Dec. 15, 1989) (effective for 120 days from Dec. 1, 1989); Adopted 8 Com. Reg. 4542 (Sept. 15, 1986); Proposed 8 Com. Reg. 4181 (Jan. 17, 1986).

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

§ 90-30-340 Parking

All vehicles must be parked within the area designated by MVA as parking areas. Under no circumstances is parking allowed on any beach within MVA’s jurisdiction.

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Modified, 1 CMC § 3806(g).

History: Adopted 21 Com. Reg. 16799 (May 19, 1999); Proposed 21 Com. Reg. 16461 (Feb. 18, 1999); Amdts Certified 14 Com. Reg. 8655 (Jan. 15, 1992); Amdts Adopted 12 Com. Reg. 7146 (June 15, 1990); Amdts Proposed 12 Com. Reg. 6874 (Apr. 15, 1990); Amdts Emergency 11 Com. Reg. 6693 (Dec. 15, 1989) (effective for 120 days from Dec. 1, 1989); Adopted 8 Com. Reg. 4542 (Sept. 15, 1986); Proposed 8 Com. Reg. 4181 (Jan. 17, 1986).

Commission Comment: The Commission corrected the spelling of “jurisdiction.”

§ 90-30-345 Other Laws

All vendors shall comply with other applicable laws in the Northern Mariana Islands, including but not limited to zoning, coastal protection, parks and recreation, and Coastal Resources Management and Boating Safety rules and regulations [NMIAC, title 15, chapter 10, and title 150, chapter 20].

Modified, 1 CMC § 3806(g).

History: Adopted 21 Com. Reg. 16799 (May 19, 1999); Proposed 21 Com. Reg. 16461 (Feb. 18, 1999); Amdts Certified 14 Com. Reg. 8655 (Jan. 15, 1992); Amdts Adopted 12 Com. Reg. 7146 (June 15, 1990); Amdts Proposed 12 Com. Reg. 6874 (Apr. 15, 1990); Amdts Emergency 11 Com. Reg. 6693 (Dec. 15, 1989) (effective for 120 days from Dec. 1, 1989); Adopted 8 Com. Reg. 4542 (Sept. 15, 1986); Proposed 8 Com. Reg. 4181 (Jan. 17, 1986).

Commission Comment: The Commission changed “regulation” to “regulations” to correct a manifest error.

§ 90-30-350 Amplified Sound

No vendor shall use amplified sound to advertise his/her product or merchandise at the vendor site. No vendor shall use amplified sound for any purpose including pleasure listening at levels which may disturb other vendors or tourists.

Modified, 1 CMC § 3806(f).

History: Adopted 21 Com. Reg. 16799 (May 19, 1999); Proposed 21 Com. Reg. 16461 (Feb. 18, 1999); Amdts Certified 14 Com. Reg. 8655 (Jan. 15, 1992); Amdts Adopted 12 Com. Reg. 7146 (June 15, 1990); Amdts Proposed 12 Com. Reg. 6874 (Apr. 15, 1990); Amdts Emergency 11 Com. Reg. 6693 (Dec. 15, 1989) (effective for 120 days from Dec. 1, 1989); Adopted 8 Com. Reg. 4542 (Sept. 15, 1986); Proposed 8 Com. Reg. 4181 (Jan. 17, 1986).

§ 90-30-355 Permit Requirements

Vendors shall notify MVA of any changes regarding insurance, certificates, or permits required as part of the application process under § 90-30-215 of this chapter. Vendors shall be responsible for maintaining required insurance, certificates, or permits as a condition of a permit issued under this chapter.

Modified, 1 CMC § 3806(c), (d).

TITLE 90: MARIANAS VISITORS AUTHORITY

History: Adopted 21 Com. Reg. 16799 (May 19, 1999); Proposed 21 Com. Reg. 16461 (Feb. 18, 1999); Amdts Adopted 14 Com. Reg. 10363 (Dec. 15, 1992); Amdts Proposed 14 Com. Reg. 9974 (Oct. 15, 1992).

Part 400 - Penalties

§ 90-30-401 Suspension; Conditions of Reinstatement

All vendors shall comply with the provisions of the regulations in this chapter. In the case of a suspension, MVA shall have authority to impose additional requirements on the vendor as a condition of reinstatement, including a monetary payment up to \$200.

Modified, 1 CMC § 3806(d).

History: Adopted 21 Com. Reg. 16799 (May 19, 1999); Proposed 21 Com. Reg. 16461 (Feb. 18, 1999); Amdts Adopted 14 Com. Reg. 10363 (Dec. 15, 1992); Amdts Proposed 14 Com. Reg. 9974 (Oct. 15, 1992); Amdts Certified 14 Com. Reg. 8655 (Jan. 15, 1992); Amdts Adopted 12 Com. Reg. 7146 (June 15, 1990); Amdts Proposed 12 Com. Reg. 6874 (Apr. 15, 1990); Amdts Emergency 11 Com. Reg. 6693 (Dec. 15, 1989) (effective for 120 days from Dec. 1, 1989); Adopted 8 Com. Reg. 4542 (Sept. 15, 1986); Proposed 8 Com. Reg. 4181 (Jan. 17, 1986).

Commission Comment: The Commission created the section titles in part 400.

§ 90-30-405 Hearings and Appeals

Any suspension, revocation, hearing, or appeal shall be conducted in accordance with the CNMI Administrative Procedure Act, 1 CMC §§ 9101, et seq.

Modified, 1 CMC § 3806(g).

History: Adopted 21 Com. Reg. 16799 (May 19, 1999); Proposed 21 Com. Reg. 16461 (Feb. 18, 1999).

Commission Comment: The Commission changed “Administration” to “Administrative” to correct a manifest error. The Commission inserted a comma after the word “hearing” pursuant to 1 CMC § 3806(g).

In 1996, the Marianas Visitors Bureau promulgated emergency amendments and proposed to add a permanent amendment to the 1990 Revised Designated Tourist Site Regulations. The amendments proposed a new article VII, entitled “Beach Concessionaire Permits.” See 18 Com. Reg. 14819 (Dec. 15, 1996); 18 Com. Reg. 14147 (June 15, 1996) (effective for 120 days from June 6, 1996). A notice of adoption for the proposed amendments was never published and the Marianas Visitors Authority did not incorporate article VII into the 1999 Vendor Site Regulations.

TITLE 90: MARIANAS VISITORS AUTHORITY

Appendix A

Saipan

1. Laderan Banadero (Suicide Cliff)
2. Puntan Sabaneta (Banzai Cliff)
3. Banadero (Last Command Post)
4. Grotto
5. Bird Island Look-out
6. Japanese Government Memorial Park
7. Korean Peace Memorial
8. Okinawa Peace Memorial
9. Yamatomi Resthouse
10. 3 Memorial Triangles
11. Old Japanese Jail
12. Japanese Hospital
13. Sugar King Park
14. Tank Display (Beach Road)
15. Japanese Peace Memorial (Susupe)
16. 89ers Memorial (Airport)
17. Ladder Beach
18. Obyan Beach
19. 73rd Bomb Wing

Beach Areas Fronting:

20. Saipan Grand Hotel,
21. Saipan Diamond Hotel,
22. Saipan Beach Hotel,
23. Hyatt Regency Saipan,
24. Hotel Nikko Saipan,
25. Coral Ocean Point Resort Club,
26. Pacific Islands Club,
27. Pacific Gardenia Hotel, and
28. Chalan Kanoa Beach Club.

History: Adopted 21 Com. Reg. 16799 (May 19, 1999); Proposed 21 Com. Reg. 16461 (Feb. 18, 1999); Amdts Certified 14 Com. Reg. 8655 (Jan. 15, 1992); Amdts Adopted 12 Com. Reg. 7146 (June 15, 1990); Amdts Proposed 12 Com. Reg. 6874 (Apr. 15, 1990); Amdts Emergency 11 Com. Reg. 6693 (Dec. 15, 1989) (effective for 120 days from Dec. 1, 1989); Adopted 8 Com. Reg. 4542 (Sept. 15, 1986); Proposed 8 Com. Reg. 4181 (Jan. 17, 1986).

Appendix B

Tinian

1. Tachonga Beach
2. Kammer Beach
3. Taga House
4. Suicide Cliff Memorial
5. Korean Peace Memorial
6. Taga Beach
7. Chulu Beach
8. Taga Well
9. Japanese Peace Memorial
10. Atomic Bomb Pit

History: Adopted 21 Com. Reg. 16799 (May 19, 1999); Proposed 21 Com. Reg. 16461 (Feb. 18, 1999); Amdts Certified 14 Com. Reg. 8655 (Jan. 15, 1992); Amdts Adopted 12 Com. Reg. 7146 (June 15, 1990); Amdts Proposed 12 Com. Reg. 6874 (Apr. 15, 1990); Amdts Emergency 11 Com. Reg. 6693 (Dec. 15, 1989) (effective for 120 days from Dec. 1, 1989); Adopted 8 Com. Reg. 4542 (Sept. 15, 1986); Proposed 8 Com. Reg. 4181 (Jan. 17, 1986).

Appendix C

Rota

1. Village Entrance
2. Japanese Gun
3. Japanese Train and Sugar Mill
4. Tatgua Beach
5. Taga Stone Quarry
6. Tonga Cave
7. Japanese Cannon
8. Tweksberry Beach
9. Swimming Hole
10. Sabana Peace Memorial
11. Tatachug Beach
12. Guata Beach

History: Adopted 21 Com. Reg. 16799 (May 19, 1999); Proposed 21 Com. Reg. 16461 (Feb. 18, 1999); Amdts Certified 14 Com. Reg. 8655 (Jan. 15, 1992); Amdts Adopted 12 Com. Reg. 7146 (June 15, 1990); Amdts Proposed 12 Com. Reg. 6874 (Apr. 15, 1990); Amdts Emergency 11 Com. Reg. 6693 (Dec. 15, 1989) (effective for 120 days from Dec. 1, 1989); Adopted 8 Com. Reg. 4542 (Sept. 15, 1986); Proposed 8 Com. Reg. 4181 (Jan. 17, 1986).