

TITLE 10: LOCAL LAWS  
DIVISION 2: SECOND SENATORIAL DISTRICT (TINIAN, ETC.)

**§ 2342. Division of Park Rangers.**

(a) *Establishment.* There is hereby established within the Office of the Mayor of Tinian and Aguiguan a Division of Park Rangers. Such division shall be staffed by personnel appointed by the Mayor. The Mayor shall, in consultation with the Municipal Treasurer and Municipal Budget and Planning Officer, appropriate funding to establish the division and hire the personnel to staff the required positions and such funding shall be a specific line item budget each year.

(b) *Definitions.*

(1) "Municipal Park" means an area designated as a municipal park by the Office of the Mayor of Tinian and Aguiguan including any public facilities located within the boundaries of the park;

(2) "Division" means the Division of Municipal Park Rangers under the Office of the Mayor of Tinian and Aguiguan;

(3) "Mayor" means the Mayor of Tinian and Aguiguan;

(4) "Fund" means the Municipality of Tinian and Aguiguan Park Rangers fund;

(5) "Person" means any individual, estate, corporation, company, joint venture, association, partnership, trust, receiver, club, syndicate, cooperative association or any other entity; and

(6) "Recreation Facilities" means all public sports and recreation facilities and outdoor sports and recreation areas and fields and adjoining sports facilities and shall include areas so specified and used for hiking, jogging, nature tours or exhibitions or any other public use of such a facility so designated by the Mayor.

(c) *Duties.* The Division shall:

(1) Have the care, charge, control, and supervision of municipal parks and recreational facilities;

(2) Manage, maintain, landscape, and beautify municipal parks and recreational facilities;

(3) Erect and maintain structures, signs, and facilities at municipal parks and recreational facilities for the enjoyment, protection and safety of CNMI residents and visitors;

(4) Permit the use of municipal parks and recreational facilities by the public pursuant to rules and regulations prescribed by the division;

(5) By rule or regulation, prohibit any activity which may diminish, damage, or destroy the natural beauty of municipal parks or recreational facilities;

(6) Authorize and collect fees from concessionaires and vendors, as well as charge reasonable user fees to recover the cost of managing, maintaining, landscaping and beautifying municipal parks and recreational facilities which

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shall be deposited into a municipal account with the Municipal Treasurer as prescribed in subsection (h); and

(7) Develop a list of violations with the fines for each violation subject to the amount provided in subsection (A) of this subsection. The list of violations may include, but is not limited to, vandalism, graffiti, littering, destruction of structures or monuments, building fires outside of designated fireplaces, and destruction of other park properties including but not limited to plants and animals within the boundaries of the park.

(A) To impose fines of up to \$1000 on any person who engages in any prohibited activity in the municipal parks, recreation areas, tourist sites and other public places under the Municipality of Tinian and Aguiguan or Commonwealth government.

(B) Fines shall be administered through use of an appropriate summons as required by the CNMI Superior Court and all persons so fined shall be required to appear before said court pursuant to CNMI requirements.

(d) *Permits.* The division may require a person to obtain a permit for the division shall impose:

(1) A reasonable user fee to recover the cost of administering the fee system and managing, maintaining, landscaping, and beautifying municipal parks or recreational facilities;

(2) A reasonable security deposit to be retained by the division to the extent the municipal park or recreational facility is damaged during the exclusive use of the municipal park or recreational facility;

(3) Any other terms and conditions deemed proper by the division.

(e) *Rules and Regulations.* The Mayor of Tinian and Aguiguan shall adopt rules and regulations as necessary for the proper administration of the division pursuant to this Act as required by the Administrative Procedure Act (1 CMC § 9101 et seq.).

(f) *Enforcement Powers.* The division employees who are assigned as enforcement park rangers shall be vested with enforcement powers to enforce the rules and regulations adopted by the division.

(g) *Interagency Notification and Coordination.*

(1) Any department, agency, public corporation, or other instrumentality of the Municipality of Tinian and Aguiguan or Commonwealth Government which plans to use or conduct any activities which may adversely affect a public park or recreational facility shall consult with the Mayor.

(2) The division shall coordinate the parks and recreational functions of the various Municipal and Commonwealth Departments and Federal Agencies in the promotion of parks and recreational opportunities.

(h) *Municipal Parks and Recreation Fund.*

(1) A Municipal Parks and Recreation Fund account shall be established and maintained by the Municipal Treasurer and the account shall be separate and apart from other funds of the municipal treasury and independent records and accounts shall be maintained.

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(2) All moneys received by the division pursuant to subsections (c) and (d) of this Act shall be deposited in the fund.

(3) Moneys in the fund shall only be expended to manage, maintain, landscape and beautify municipal parks and recreation facilities; and erect and maintain structures, signs and facilities at municipal parks and recreation facilities.

(4) The expenditure authority of the funds shall be the Mayor.

(5) The Municipal Treasurer shall provide a yearly accounting of all fees and fines collected under this Act to the Mayor and the Municipal Council.

(6) Notwithstanding any other provision of law, all revenues collected pursuant to this Act or any regulations promulgated for the purposes provided herein shall be available without further appropriation and without fiscal year limitation.

**Source:** (a), (b), (c), (d), (e), (f), (g), (h) by Tinian LL 15-8, §§ 4, 3, 5, 6, 7, 10, 8, and 9, respectively, modified.

**Commission Comment:** Tinian LL 15-8 was enacted on July 17, 2007, and contained the following short title and findings and purpose in addition to severability and savings provisions. The Commission made changes to the numbering scheme of the above section, changed references to agree with renumbered parts (changed “Section 9 of this Act” to “subsection (h)” in subsection (c)(6), changed “subsection 1 of this Section” to “subsection (A) of this subsection” in subsection (c)(7), and changed “Sections 5 and 6” to “subsection (c) and (d)” in subsection (h)(2)), and corrected manifest errors (changed “ansd” to “and” in subsection (h)(1), changed “Procedures” to Procedure” in subsection (e), and changed “Enforcement” to “Enforcement” in the heading of subsection (f) pursuant to its authority derived from 1 CMC § 3806.

Section 1. Short Title. This Act may be referred to as the “Tinian and Aguiguan Municipal Park Rangers Act of 2007.”

Section 2. Findings and Purpose. The Tinian and Aguiguan Legislative Delegation finds that it is in the best interest of the residents of the Municipality of Tinian and Aguiguan to establish a park rangers division in the Office of the Mayor of Tinian and Aguiguan.

There are new municipal park areas, wildlife preserves, beach facilities and other municipal public areas under the jurisdiction of the Mayor of Tinian and Aguiguan. The local and tourist population of Tinian is rapidly increasing as well as private development of new resort areas. The frequency of visitors, both local and non-local, is rapidly increasing which results in uncontrolled access, littering, and other criminal acts.

There is currently no manner in which to manage, maintain, conserve, protect or otherwise care for the designated areas including the wildlife, and there are currently no manner or authority under which to monitor and control these areas.

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The Tinian and Aguiguan Legislative Delegation finds that the Mayor of Tinian and Aguiguan must establish a “Park Ranger” division for the purpose of managing, maintaining, protecting wildlife of all kinds, controlling and promoting the safe use of designated municipal park areas, and educating public users of such areas.