

TITLE 4: ECONOMIC RESOURCES
DIVISION 8: UTILITIES

§ 8211. Tree and Vegetation Planting Restriction.

(a) No tree or vegetation that has the potential to grow to more than one-half of the height of a power line shall be planted within twelve feet of any power line, measured laterally from a point on the ground directly under the aerial power line.

(b) No part of a tree or vegetation shall extend within fifteen feet of an aerial power line.

(c) Private land owners, or where appropriate, lessees or renters shall ensure compliance with the provisions of subsections (a) and (b) of this section with respect to trees and vegetation on their lands, except as provided in this subsection and subsection (d). CUC shall ensure compliance with subsections (a) and (b) of this section with respect to trees and vegetation on public lands, and on ancestral lands. Ancestral lands, as used in this subsection, are lands which are either owned by the person who owned them prior to June 1, 1944, or have been in the continuous possession of succeeding generations of the same family since June 1, 1944.

(d) CUC shall be responsible for the first removal of noncompliant trees, vegetation or portions thereof and the costs associated therewith, surrounding all primary and secondary lines in the Commonwealth within one year from the day this Act takes effect if such trees, vegetation or portions thereof are in existence at the time this Act takes effect; provided CUC shall not be liable to any person or entity who removes any affected tree, vegetation or portion thereof which is the responsibility of CUC to remove, unless CUC agrees in advance to pay the fee charged for such removal.

(e) CUC is hereby authorized to promulgate such rules and regulations as are necessary to fully implement the provisions of this section.

Source: PL 9-4, § 13; repealed and reenacted by PL 14-12, § 2(a), modified.

Commission Comment: Prior to PL 14-12, section 8211 was entitled "Civil Penalties;" PL 14-12 created a new 4 CMC § 8212 entitled "Civil Penalties." PL 14-12 was enacted on May 28, 2004 and contained, among other enactments, findings and purpose, severability and savings clause provisions. See the comment to 4 CMC § 8202 regarding PL 14-12.