

TITLE 4: ECONOMIC RESOURCES
DIVISION 8: UTILITIES

§ 8212. Civil Penalties.

(a) Any person who violates any provision of this chapter shall be subject to a civil penalty not less than \$5,000 and not to exceed \$10,000 for each such violation, except as provided in subsection (b).

(b) Any person found in violation of section 8211 shall be given a written notice by CUC of the specific violation and the proposed remedy, and shall be given 30 days to cure the violation. A proposed remedy may include, but not be limited to, requiring the property owner, or where appropriate, lessees or renters, to remove the affected tree or vegetation or parts thereof.

(1) Where the notice requires removal of affected trees, or vegetation or parts thereof, from surrounding secondary electrical lines, and the property owner, or where appropriate, lessees or renters, do not have the ability to safely remove the noncompliant tree or vegetation or parts thereof as required by such notice, the property owner, or where appropriate, lessees or renters, shall pay CUC for the cost of such removal by CUC.

(2) Where the notice requires removal of noncompliant trees, or vegetation or parts thereof, from surrounding primary electrical lines, the CUC shall, upon notice to the property owner, or where appropriate, lessees or renters, remove the noncompliant tree or vegetation, or parts thereof and shall be paid the reasonable costs of removal from the person or persons found in violation of the provisions of section 8211.

(c) Any person found in violation of the provisions of section 8211, in addition to any other charges, fees, and costs assessed in accordance with this provision, may be assessed a fine by CUC of not more than three-hundred dollars.

(d) Actions to recover any penalty provided for in this section shall, where appropriate, be brought by the Attorney General at the request of CUC or any affected person in the Commonwealth of the Northern Mariana Islands.

(e) All funds recovered for penalties from violations of this Chapter shall be paid into a special account within the General Fund and is hereby continuously appropriated without fiscal year limitation to CUC who shall have expenditure authority over such funds for the sole purpose of ensuring compliance and enforcement of this chapter.

(f) This chapter does not affect any civil remedies for personal injury or property (including underground utilities) damage except as otherwise specifically provided for in this chapter.

Source: PL 14-12, § 2(b), 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.