

THIRD REGULAR SESSION, 1987

AN ACT

To add Article 2 to Title 2, Division 4, Chapter 9 of the Commonwealth Code which requires a license to be obtained prior to any person cutting or trenching into a roadway in the Commonwealth, and for other purposes.

BE IT ENACTED BY THE FIFTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE:

Section 1. Amendment. Title 2, Chapter 9, of the Commonwealth Code is amended to add Article 2, to read as follows:

"Section 4920. Findings. The Legislature finds that the economic growth and development which the Commonwealth is experiencing has, in part, resulted in the streets and roads being damaged by certain individuals and companies who cut into or trench through the streets and roads to lay sewer and water pipes and who then fail to repair and return the damaged portion of the street and road to its original or better condition than it was before they cut or trenched. Such destruction of public property is against the best interest of the Commonwealth and all those who travel on our roads.

"Section 4921. Definitions. As used in this Article, the following words shall have the following meanings:

(a) 'Person'. Shall mean a person, individual, partnership, or corporation, but shall exclude the Commonwealth Government and any Government employee while performing an act for and on behalf of the Commonwealth Government.

(b) 'Road'. Shall mean any street, road, or throughfare over which vehicles travel.

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"Section 4922. Permit Required. No person shall cut or trench into a road without first obtaining a permit from the Director of Public Works.

"Section 4923. Permit Application. The Director of Public Works shall take such action necessary to implement and insure compliance to the provisions of this Act, including, preparing application forms to be used by any person who desires to cut or trench through any road in the Commonwealth, repair of such road within the time limits established in this Act, and the promulgation of such Rules and Regulations which are deemed necessary. The permit shall be issued in the name of the company if the applicant is a corporation, or in the name of the individual if the applicant is other than a corporation.

"Section 4924. Repair of Road. Every person shall, within five days of completion of the laying of pipes or other work which required the cutting or trenching of a road, repair all damaged cut or trenched portion of the road, including any damaged portion to the shoulder, as to good or better condition than that which the cut or trenched portion of the road was prior to such cutting or trenching. The repair to the road shall be done using the same material that the road consisted prior to such cutting or trenching. The Director of Public Works shall be responsible for insuring compliance by the Commonwealth Government to the provisions of this Section.

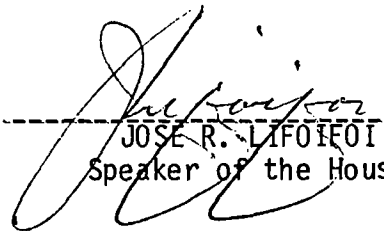
1 "Section 4925. Fees. The Director of Public Works shall
2 establish such fees as is necessary to cover the cost of issuance
3 of the permit and the supervision of the repair to the road as
4 required to this Act. All fees collected for the permit shall be
5 deposited into the Commonwealth General Fund.

6 "Section 4926. Penalties. Any person who violates the
7 provisions of Section 4922 of this Act or any rules or regulations
8 promulgated pursuant to Section 4923 of this Act, is subject to a
9 civil fine not to exceed \$5,000 for each violation. Any person
10 who violates the provisions of Section 4924 of this Act, shall be
11 subject to a civil penalty of \$250 per day, but not less than
12 \$150 per day. In addition to civil fines provided by this Act,
13 any person who violates the provisions of this Act shall be
14 denied a permit until such person complies with the provisions
15 of this Act. Further, any person who has cut or trench into a
16 road within twelve months prior to the effective date of this
17 Act, as a condition to obtaining a permit, such person shall
18 comply with the provisions of Section 4924 of this Act."


19 Section 2. Severability. If any provision of this Act or
20 regulation issued thereunder be held invalid by a court of competent
21 jurisdiction, the remainder of this Act or regulation shall not be
22 affected thereby.

Section 3. Effective Date. This Act shall become effective upon the approval by the Governor, or upon its becoming law without such approval.

ATTEST:




JOSE R. LIFOIFOI
Speaker of the House



FRANCES P. SABLAN
House Clerk

Approved September 28, 1987



PEDRO P. TENORIO
Governor
Commonwealth of the Northern Mariana Islands