



AMERICAN SAMOA GOVERNMENT
PAGO PAGO, AMERICAN SAMOA 96799

In reply refer to:

LEGISLATURE OF AMERICAN SAMOA

CERTIFICATION

Senate Chamber
August 1, 1991

I certify that Senate Bill No. 22-58 passed third reading on this date in the Senate during its Second Regular Session of the Twenty-second Legislature of American Samoa.

A handwritten signature in black ink, appearing to read "Leo'o V. Ma'o".

Leo'o V. Ma'o
SECRETARY OF THE SENATE

House Chamber
September 27, 1991

I certify that Senate Bill No. 22-58 passed third reading on this date in the House of Representatives during its Third Special Session of the Twenty-second Legislature of American Samoa.

A handwritten signature in black ink, appearing to read "Wally F. Utu".

Wally F. Utu
CHIEF CLERK, HOUSE OF REPRESENTATIVES

THE TWENTY-SECOND LEGISLATURE OF AMERICAN SAMOA

Third Special Session

**Begun and held at Fagatogo, Tutuila, American Samoa
on Friday, the twenty-seventh day of September
one thousand nine hundred and ninety one**

**AN ACT ESTABLISHING LITTER CONTROL IN AMERICAN SAMOA; CREATING A
NEW CHAPTER 13 UNDER TITLE 22 ASCA; AND REPEALING SECTIONS 22.0330 AND
46.4806 ASCA.**

BE IT ENACTED BY THE LEGISLATURE OF AMERICAN SAMOA:

Section 1. This chapter may be cited as the "Litter Control Act of 1991".

Sec 2. There is created a new Chapter 13 under Title 22 ASCA which reads:

"Chapter 13

LITTER CONTROL

Sections:

- 22.1301 Prohibition of littering.
- 22.1302 Prohibition of tampering with or removing a litter container.
- 22.1303 Responsibility of owners or lessees of real property.
- 22.1304 Responsibility of government.
- 22.1305 Responsibility of businesses.
- 22.1306 Penalties.
- 22.1307 Enforcement powers.
- 22.1308 Preservation of authority.

22.1301 Prohibition of littering.

(a) No person shall discard, throw, or place, or caused to be placed, any litter of any kind on the right-of-way of any public road, highway, or other public place, or on land or water, owned, operated, or leased by the Territory or the Federal government, or on any communal or private real property owned by another.

(b) Any person who drops, or permits to be dropped or thrown upon any highway, any destructive or injurious material shall immediately remove the same or cause it to be removed.

(c) Any person removing a wrecked or damaged vehicle from a highway shall remove any glass or other injurious substance dropped upon the highway from such vehicle.

(d) In the case of litter discarded from a vehicle on the highway, or in any public place, the driver of the vehicle may be cited for any litter discarded or deposited from such vehicle, if the person who discarded the litter is unknown.

22.1302 Prohibition of tampering with or removing a litter container.

(a) No person shall in any way tamper with or damage any litter receptacle so as to interfere with its designated purpose or to detrimentally affect its appearance.

(b) No person shall remove from its place, any litter receptacle which the person does not own or for which the person does not have responsibility.

22.1303 Responsibility of owners or lessees of real property.

It shall be the responsibility of any owner or lessee of real property within the Territory to maintain sidewalks, alleys, curbs, roadway shoulder areas, fence lines, streams, and shorelines immediately adjoining such real property in a litter free condition. Occupants of communal land shall be responsible for maintaining such communal land in a litter-free condition.

22.1304 Responsibility of government.

Litter receptacles shall be suitably located along the public highways of the Territory, village access roads, residential areas, in other public places, beaches, and park and recreation areas. The director of parks and recreation shall be responsible for continuous implementation of this provision.

22.1305 Responsibility of businesses.

(a) Notwithstanding any other provision of law, every owner or operator of a commercial establishment in the Territory shall be responsible for providing and maintaining sufficient and suitable litter receptacles on such business premises or in the immediate vicinity of his business.

(b) It shall be the responsibility of every owner or operator of a commercial establishment in the Territory to maintain his business premises, and all sidewalks, alleys, curbs, roadway shoulder areas, fence liens, streams, and shorelines immediately adjoining such business premises in a litter free condition.

22.1306 Penalties.

(a) Littering, or violation of any provision of this chapter, is an infraction punishable under the following schedule of fines, at the discretion of the district court:

	<u>NO LESS THAN</u>	and	<u>NO MORE THAN</u>
First Offense.....	\$ 50.00		\$ 100.00
Second Offense.....	\$ 100.000		\$ 200.000
Third Offense.....	\$ 200.000		\$ 300.000
Fourth Offense.....	\$ 300.000		\$ 500.000

(b) Additionally, or in lieu of fines, any person convicted under this chapter may be ordered to pick up and remove litter from public places, including streams and the seashores, under the direction of the department of public safety.

(c) All fines collected shall be deposited into the general fund and subject to legislative appropriation.

22.1307 Enforcement powers.

(a) This chapter shall be enforced by issuance of written traffic citations and according to the rules of the violations bureau and the district court, in accordance with chapter 8 of this title.

(b) the following individuals may issue and serve citations for violations of this chapter:

- (1) all law enforcement officers of the department of public safety;
- (2) employees of the department of parks and recreation designated by the director of such department, who have been trained according to subsection (c) below;
- (3) employees of the office of tourism designated by the director of such office, who have been trained according to subsection (c) below;
- (4) employees of the department of health designated by the director of such department, who have been trained according to subsection (c) below;
- (5) employees of the American Samoa environmental protection agency designated by the director of such agency, who have been trained according to subsection (c) below; and
- (6) the pulenu'u of each village in the Territory, who has been trained according to subsection (c) below.

(c) It shall be the joint responsibility of the attorney general and the commissioner of public safety to conduct training for the employees designated in subsection (b) above in the proper writing and serving of citations for litter violations under this chapter.

(d) Litter means rubbish, refuse, waste materials, garbage, trash, offal, any dead animal, or any debris of any kind or description, whether or not it is of value, and includes improperly discarded paper, metal, plastic, glass, cloth, or liquid or solid waste; glass bottles, nails, wire, cans, or any other object likely to injure any person, animal or vehicle upon such highway.

22.1308 Preservation authority.

The provisions of this chapter shall not in any way preempt or diminish the present powers and duties of the directors of public works and health with regard to enforcement of public health laws dealing with solid and industrial waste under chapter 20, title 25 ASCA."

Sec 3. Repealer.

"Sections 22.0330 and 46.4806 ASCA are repealed."


Letuli Tofoa

PRESIDENT OF THE SENATE


Tuana'itau F. Tuiā

SPEAKER OF THE HOUSE

Hereby Approved this 24th day of October, 19 91



Governor of American Samoa

NOFOAIGA LUASEFULU-LUA FONO FAITULAFONO O AMERIKA SAMOA

Fono Fa'apitoa Lona Tolu

**Nofoa ma usuia i Fagatogo, Tutuila, Amerika Samoa
Aso Faraile, aso luasefulu-fitu o Setema
tasi afe iva selau iva sefulu-tasi**

**O SE TULAFONO E FA'ATUINA LE PULEA O LE FA'AOTAOTA I AMERIKA SAMOA;
FA'AVAEINA SE MATAUPU FOU 13 I LALO O LE VAEGA 22 TTAS; MA SOLOIA MAGA
22.0330 MA LE 46.4806 TTAS.**

IA FA'ATULAFONOINA E LE FONO FAITULAFONO O AMERIKA SAMOA:

Maga 1. O lenei mataupu e mafai ona ta'ua o le "Tulafono o le Pulea o le Fa'aotaota o le 1991."

Maga 2. Ua fa'avaeina se Mataupu fou 13 i lalo o le Vaega 22 TTAS e faitauina:

"Mataupu 13

PULEA O LE FA'AOTAOTA

Maga:

- 22.1301 Fa'asaina o le fa'aotaota.
- 22.1302 Fa'asaina ona osia po'o le aveesea o koneteina o le otaota.
- 22.1303 Fatuaiga a tagata e ona po'o nofo lisi i fanua.
- 22.1304 Fatuaiga a le malo.
- 22.1305 Fatuaiga a pisinisi.
- 22.1306 Fa'asalaga.
- 22.1307 Pule e fa'amalosi ai.
- 22.1308 Puipuiga o le pule.

22.1301 Fa'asaina o le fa'aotaota.

(a) E leai se tagata e lafoa'i, togi, pe tu'uina, pe taumafai e tu'uina, so'o se otaota o so'o se ituaiga i le aia-o le-ui atu o so'o se auala o le lautele, alatele, po'o isi nofoaga lautele, po'o le eleele po'o le sami, e umia, fa'agaoioia, pe lisiina e le Teritori po'o le malo Tele, pe so'o se fanua faitele po'o fanua patino o le tasi tagata.

(e) So'o se tagata e fa'apa'u, e fa'ataga e fa'apa'u e togi i luga o so'o se alatele, so'o se mea e fa'aleaga pe manu'a ai, ia vave ona aveesea pe faatonu e aveese lea mea.

(i) So'o se tagata e aveesea se ta'avale lavea po'o se ta'avale leaga mai le alatele ia aveese so'o se ta'ega tioata po'o isi mea e tupu ai le manu'a sa pa'u i luga o le alatele mai lea ta'avale.

(o) I le tulaga o otaota e togi mai se ta'avale i luga o le auala, pe so'o se nofoaga lautele, o le aveta'avale o le ta'avale e mafai ona molia ona o so'o se otaota e lafo pe togi mai lea ta'avale pe afai e le mautinoa le tagata na faia le fa'aotaota.

22.1302 Fa'asaina mai le fa'aleaga pe aveesea se koneteina otaota.

(a) E leai se tagata e tagofia so'o se tulaga pe fa'aleaga so'o se koneteina e tu'u ai le otaota ina ia fa'alavelavea lona mafuaaga sa tu'u ai pe fa'aleaga lona tino mai.

(e) E leai se tagata e aveesea mai lona tulaga, so'o se apa otaota i koneteina e le o sana mea pe leai fo'i sana feau iai.

22.1303 Fatuaiga o le tagata e ona po'o nofo lisi o fanua.

E avea ma fatuaiga a so'o se tasi e ona po'o se tasi e nofo lisi i fanua i totonu o le Teritori le tausia o alasavali, ala i vaifale, tafa-ala, afega o auala, laina o pa, auvai, ma matafaga e tuaoi ma ia fanua i se tulaga mamā. O tagata o lo'o nofoia fanua faitele o aiga ua iai le fatuaiga e tausia ai ia fanua faitele o aiga ina ia mama mai le otaota.

22.1304 Fatuaiga o le malo.

O tu'uga-otaota ia tu'uina lelei i tafatafa o alatele o le Teritori, auala o nu'u oganu'u e nonofo ai tagata, isi nofoaga mo le lautele, matafaga, ma nofoaga o paka ma malologa. O le fa'atonu o paka ma malologa ua iai le fatuaiga mo le faia pea o lenei aiaiga.

22.1305 Fatuaiga o pisinisi.

(a) E le afaina ai so'o se isi lava aiaiga o le tulafono, so'o se tasi e ona pe fa'agaoioia se pisinisi i le Teritori ua iai le fatuaiga o le saunia ma tausia ma ia lava saunia tu'uga-otaota o lea nofoaga o iai pisinisi po'o tafatafa o lea lava pisinisi.

(e) O le fatuaiga a so'o se tasi e ona po'o le tasi e fa'agaoioia se pisinisi i le Teritori le tausia o le fanua o iai le pisinisi, ma alasavali uma, ala i vaifale, tafa-ala, afega o alatele, laina o pa, ma matafaga e tua'oi tonu ma le fanua o iai le pisinisi ina ia mama mai le otaota.

22.1306 Fa'asalaga.

(a) O le fa'aotaota, po'o soliga o so'o se aiaiga o lenei mataupu, o se solitulafono ma e fa'asalaina i le fa'asologa o sala o i lalo, i le faitalia a le fa'amasinoga falelima:

	<u>E LE ITIITI I LE</u>	ma	<u>E LE SILIA I LE</u>
Soliga muamua.....	\$ 50.00		\$ 100.00
Soliga lua.....	\$100.00		\$ 200.00
Soliga tolu.....	\$200.00		\$ 300.00
Soliga fa.....	\$300.00		\$ 500.00

(e) E fa'aopoopo iai, pe sui ai le sala, so'o se tagata e nofosala i lalo o lenei mataupu e mafai ona fa'atonu e ao ma aveese otaota mai nofoaga lautele, e aofia ai vaitafe ma matafaga, i lalo o le va'avaaiga a le matagaluega o le saogalemu lautele.

(i) O sala uma e aoina ia tu'uina i le teugatupe lautele, ma e le mafai ona fa'aaogaina, vagana ua fa'asoasoa e le Fono Faitulafono.

22.1307 Fa'amalosiga o le pule.

(a) O lenei mataupu e fa'amalosia i le tu'uina atu tusi molia o le alatele ma e faia e tusa ma poloaiga a le ofisa o mataupu tau soliga ma le fa'amasinoga falelima, e tusa ma le mataupu 8 o lenei vaega.

(e) o tagata ua fa'aalia i lalo e mafai ona tusia ma tu'uina atu tusi molia mo soliga o lenei mataupu:

- (1) leoleo uma o le matagaluega o le saogalemu lautele;
- (2) tagata faigaluega o le matagaluega o paaka ma malae taalo e tofia e le fa'atonu o lea matagaluega, o i latou ua uma ona a'oa'oina e tusa ma le soamaga (i) i lalo;
- (3) tagata faigaluega o le ofisa o turisi e tofia e le fa'atonu o lea ofisa, o i latou ua uma ona a'oa'oina e tusa ma le soamaga (i) i lalo.
- (4) tagata faigaluega o le matagaluega o le soifua maloloina e tofia e le fa'atonu o lea matagaluega, o i latou ua uma ona a'oa'oina e tusa ma le soamaga (i) i lalo;
- (5) tagata faigaluega o le ofisa o le puipuiga o le si'omia o Amerika Samoa e tofia e le fa'atonu o lea ofisa, o i latou ua uma ona a'oa'oina e tusa ma le soamaga (i) i lalo;
- (6) pulenu'u o nu'u ta'itasi i le Teritori, o e ua uma ona a'oa'oina e tusa ma le soamaga (i) i lalo.

(i) O le fatuaiga tu'ufa'atasi a le loia sili ma le komesina o le Saogalemu Lautele le faia o a'oa'oga mo tagata faigaluega ua fa'asinoina i le soamaga (e) i luga i le tusia sa'o ma le tu'uina atu o tusi molia mo soliga o le fa'aotaota i lalo o lenei mataupu.

(o) Otaota o lona uiga o lapisi, mea lafoa'i, mea ua le aoga, toega mea, atigi mea, otaota vale, so'o se meaola mate, pe so'o se faulaiga o so'o se ituaiga po'o foliga, pe aoga pe leai, ma e aofia ai pepa soona lafoa'i, u'amea, palasita, tioata, ie, po'o mea le aoga suavaia po'o se mea malo; atigi fagu, fao, uaea, atigi, pe so'o se isi lava mea e ona manu'a ai se tagata, meaola po'o se ta'avale i luga o lea alatele.

22.1308 Puipuiga o le pule.

O aiaiga o lenei mataupu e le aveesea ai i so'o se tulaga pe fa'aititia ai malosi o lo'o iai nei ma tiute o fa'atonu o galuega lautele ma le soifua e uiga i le fa'amalosiga o tulafono o le soifua maloloina o lo'o feagai ma mea le aoga malo pe suavaia o pisinisi i lalo o le mataupu 20, vaega 25 TFAS."

Maga 3. Soloia.

"Maga 22.0330 ma le 46.4806 TFAS ua soloia."


Letuli Toloa

PERESETENE, MAOTA MAUALUGA


Tuana'itau F. Tuiā

FOFOGA FETALAI, MAOTA O SUI

Hereby Approved this 24th day of October, 19 91


Governor of American Samoa