

Chapter 01

GENERAL PROVISIONS

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25.0101 Definitions.

The following definitions shall apply in this title:

(1) "Attorney General" means the Attorney General of American Samoa or his authorized representative.

(2) "Bay area" means the area between the Pacific Ocean and the crest of visible hills between Blunt's Point and Breaker's Point, including the waters enclosed by adjacent shorelines and lines connecting Breaker's Point and Blunt's Point.

(3) "Solid waste agency" means the government agency designated by the governor or by other law as responsible for the management of solid waste issues in the territory of American Samoa, including the pickup, transportation and disposal of solid wastes.

(4) "Collection areas" means areas specified by the solid waste official with the approval of the director of ASEPA for the placement of accumulated solid waste in solid waste containers or collection bins.

(5) "Collection bins" means receptacles specified by the solid waste official, with the approval of the director of ASEPA, for the storage of solid waste and for the use of all persons in the area served.

(6) "Director" means the director of health or his authorized representative.

(7) "Director of public works" means the director of public works or his authorized representative.

(8) "Disposal sites" means an area designated by the solid waste official with the approval of the ASEPA for the disposal of solid waste and/or industrial waste and/or other refuse.

(9) "Drink" means all beverages used for consumption by man or animals.

(10) "Employee or person employed" means any owners, operator, manager, or other person performing any regulated function whether for compensation or otherwise.

(11) "Food" means all articles of food or drink for human consumption and articles used as components of any such article.

(12) "Food establishment" means any establishment or place which is used or occupied as a bakery, confectionery, cannery, dairy, creamery, packing house, slaughtering place, meat or poultry market, fish market, fruit or vegetable market, delicatessen, beverage plant, poultry processing plant, bottling plant, food refrigeration locker plant, ice plant, ice cream or frozen dessert plant, public market, food warehouse, or for the production, processing, manufacture, preparation for sale, canning, bottling, packing, packaging, storage, sale or distribution of any food.

(13) "Food handler" means any person who, in the storage, manufacture, preparation, handling, sale, dispensing or service of food or drink, handles food or drink in such a manner that some portion of his clothing or body might come in contact with such food or drink, or with utensils used in connection therewith.

(14) "Governor" means the Governor of American Samoa or his authorized representative.

(15) "Industrial waste" means any refuse substance generated or caused by industries such as the canneries.

(16) "Other authorized person" means any employee or class of employees of the department of public safety, solid waste agency, ASEPA or department of medical services so designated by their respective directors.

(17) "Other refuse" means all waste substances, including those wastes referred to in 22.1401 et seq., pertaining to junked vehicles, but excluding:

(A) waste substances defined as solid waste or industrial waste;

(B) organic agricultural matter outside the bay area.

(18) "Person", except where the context indicates that only a natural person is intended includes any individual, firm, corporation, partnership, joint venture, association, trust or other group or combination acting as a unit.

(19) "Public health nuisance" means anything which endangers life or health or contaminates the environment in any way.

(20) "Restaurant" means any restaurant, coffee shop, cafeteria, lunchroom, luncheonette, lunchstand, lunch counter, soda fountain, bar, cafe, tavern, caterer's premises, school lunch facility, or other eating or drinking establishment or place in which food or drink is prepared for sale elsewhere or as a part of a service of a hotel, hospital, or other institution caring for people.

(21) "Roads" means all-weather public or private roads on which vehicles utilized for collection of solid waste can maneuver with facility in forward and reverse direction and which are not obstructed by gates or fences. Determination of what constitutes a "road" shall be made by the department of public works with reference to the aforementioned criteria.

(22) "Sanitarian" means a professional practitioner of hygiene employed by the department of medical services, whose education and experience in the biological and sanitary sciences qualify him to engage in the promotion and protection of public health.

(23) "Sanitize" means to render an article free from pathogenic organisms.

(24) "Sewage disposal installation" means any overwater latrine, pit latrine, toilet, water flush commode, cesspool, drainage pit, septic tank and drain field, trench drain or other system for the conducting or disposal of human body waste, etc., sink slop or any other liquid waste or contaminated water generally known as sewage.

(25) "Solid waste" means any waste or refuse that can be contained in solid waste containers or collection bins including trash, junk debris broken or rejected matter, garbage offal, swill, leaving of foods, abandoned, spoiled, condemned or decayed meat, and fish, animal and vegetable matter, including offal from the slaughtering of animals. but excluding:

(A) liquid wastes;

(B) industrial wastes:

(C) other refuse:

(D) organic agricultural wastes in villages outside the bay area.

(26) "Treasurer" means the Treasurer of American Samoa or his authorized representative.

(27) "Village" means any political or geographic unit commonly known as a village at the time of the passage of this law.

(28) "Waste containers" means receptacles specified by the solid waste official, with the approval of the director of ASEPA, for the storage of solid wastes, to be utilized by the person(s) generating the waste and to be placed at collection areas during times specified for collection by the collection agency.

(30) "Solid waste official" means the official appointed by the governor to oversee solid

waste collection and disposal issues in American Samoa. That official is responsible for the collection and disposal of solid waste, including the administration of contractual services associated with solid waste collection and the operation and maintenance of existing solid waste collection and disposal systems within the territory.

(31) “ASEPA” means the American Samoa Environmental Protection Agency.

History: 1972, PL 12-44 § 1; and 1979, PL 16-53 § 75; 2001, PL 27-8.

Amendments: 1979 Subsection (3): deleted; renumbered remaining subsections.

The following definitions shall apply in this title:

(1) “Attorney General” means the Attorney General of American Samoa or his authorized representative.

(2) “Bay area” means the area between the Pacific Ocean and the crest of visible hills between Blunt’s Point and Breaker’s Point, including the waters enclosed by adjacent shorelines and lines connecting Breaker’s Point and Blunt’s Point.

(3) “Collection agency” means the entity responsible for the pickup and transportation of solid waste from collection areas to disposal sites. Unless subcontracted, the collection agency shall be the department of public works.

(4) “Collection areas” means areas specified by the director of public works with the approval of the director of medical services for the placement of accumulated solid waste in solid waste containers or collection bins.

(5) “Collection bins” means receptacles specified by the director of medical services, with the approval of the director of public works, for the storage of solid waste and for the use of all persons in the area served.

(6) “Director” means the director of health or his authorized representative.

(7) “Director of public works” means the director of public works or his authorized representative.

(8) “Disposal sites” means an area designated by the director of public works with the approval of the director of medical services for the disposal of solid waste and/or industrial waste and/or other refuse.

(9) “Drink” means all beverages used for consumption by man or animals.

(10) “Employee or person employed” means any owners, operator, manager, or other person performing any regulated function whether for compensation or otherwise.

(11) “Food” means all articles of food or drink for human consumption and articles used as components of any such article.

(12) “Food establishment” means any establishment or place which is used or occupied as a bakery, confectionery, cannery, dairy, creamery, packing house, slaughtering place, meat or poultry market, fish market, fruit or vegetable market, delicatessen, beverage plant, poultry processing plant, bottling plant, food refrigeration locker plant, ice plant, ice cream or frozen dessert plant, public market, food warehouse, or for the production, processing, manufacture, preparation for sale, canning, bottling, packing, packaging, storage, sale or distribution of any food.

(13) “Food handler” means any person who, in the storage, manufacture, preparation, handling, sale, dispensing or service of food or drink, handles food or drink in such a manner that some portion of his clothing or body might come in contact with such food or drink, or with utensils used in connection therewith.

(14) “Governor” means the Governor of American Samoa or his authorized representative.

(15) “Industrial waste” means any refuse substance generated or caused by industries such as the canneries.

(16) "Other authorized person" means any employee or class of employees of the department of public safety, department of public works or department of medical services so designated by their respective directors.

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(A) waste substances defined as solid waste or industrial waste;

(B) organic agricultural matter outside the bay area.

(18) "Person", except where the context indicates that only a natural person is intended includes any individual, firm, corporation, partnership, joint venture, association, trust or other group or combination acting as a unit.

(19) "Public health nuisance" means anything which endangers life or health or contaminates the environment in any way.

(20) "Restaurant" means any restaurant, coffee shop, cafeteria, lunchroom, luncheonette, lunchstand, lunch counter, soda fountain, bar, cafe, tavern, caterer's premises, school lunch facility, or other eating or drinking establishment or place in which food or drink is prepared for sale elsewhere or as a part of a service of a hotel, hospital, or other institution caring for people.

(21) "Roads" means all-weather public or private roads on which vehicles utilized for collection of solid waste can maneuver with facility in forward and reverse direction and which are not obstructed by gates or fences. Determination of what constitutes a "road" shall be made by the department of public works with reference to the aforementioned criteria.

(22) "Sanitarian" means a professional practitioner of hygiene employed by the department of medical services, whose education and experience in the biological and sanitary sciences qualify him to engage in the promotion and protection of public health.

(23) "Sanitize" means to render an article free from pathogenic organisms.

(24) "Sewage disposal installation" means any overwater latrine, pit latrine, toilet, water flush commode, cesspool, drainage pit, septic tank and drain field, trench drain or other system for the conducting or disposal of human body waste, etc., sink slop or any other liquid waste or contaminated water generally known as sewage.

(25) "Solid waste" means any waste or refuse that can be contained in solid waste containers or collection bins including trash, junk debris broken or rejected matter, garbage offal, swill, leaving of foods, abandoned, spoiled, condemned or decayed meat, and fish, animal and vegetable matter, including offal from the slaughtering of animals. but excluding:

(A) liquid wastes;

(B) industrial wastes:

(C) other refuse:

(D) organic agricultural wastes in villages outside the bay area.

(26) "Treasurer" means the Treasurer of American Samoa or his authorized representative.

(27) "Village" means any political or geographic unit commonly known as a village at the time of the passage of this law.

(28) "Waste containers" means receptacles specified by the director of medical services, with the approval of the director of public works, for the storage of solid wastes, to be utilized by the person(s) generating the waste and to be placed at collection areas during times specified for collection by the collection agency.

History: 1972, PL 12-44 § 1; and 1979, PL 16-53 § 75.

Amendments: 1979 Subsection (3): deleted; renumbered remaining subsections.

25.0102 Duty of director.

It shall be the duty of the director to prepare and to enforce when directed by the Governor, regulations on the following subjects:

- (1) prevention and control of public health nuisances;
- (2) sanitary practices and quality controls for village and municipal water supplies;
- (3) location of private water supplies;
- (4) watersheds used for public water supplies;
- (5) disposal of excreta, sewage, or other wastes;
- (6) disposal of garbage and refuse;
- (7) plumbing;
- (8) rodent control and use of rodenticides;
- (9) insect control and use of insecticides;
- (10) pollution of seashore, streams, lakes, and other waters;
- (11) drainage and impounded waters in connection with the control of arthropods of public health importance;
- (12) production, handling, processing, and sale of food products and drinks;
- (13) restaurants and all other places serving or preparing food or drinks for the public;
- (14) food handlers;
- (15) toilets and washrooms in all public places and places of employment;
- (16) bathing and swimming places;
- (17) public health requirements for publicly and privately owned schools, public buildings, airports, seaports, warehouses, storage areas, and serving of commercial carriers;
- (18) all places used for the incarceration of prisoners and inmates of governmental institutions;
- (19) control of communicable diseases and protection of the public health;
- (20) health certificates for persons serving the public;
- (21) control of rabies and other zoonosis;
- (22) industrial hygiene;
- (23) any other matter pertaining to public health in American Samoa.

History: 1972, PL 12-44 § 1.

25.0103 Inspections—Orders to comply.

The director is directed and authorized to make inspections of all public and private grounds, buildings, vehicles, aircraft, ships and other places, at reasonable hours, in order to carry out the provisions of this title. He may order compliance with the provisions of this title and the immediate abatement of public health nuisances.

History: 1972, PL 12-44 § 1.

25.0104 Investigation of complaints.

The director shall investigate any bona fide complaint relative to any alleged violation of this title and take such action as he may deem necessary.

History: 1972, PL 12-44 § 1.

25.0105 Powers and duties of pulenuu.

(a) It shall be one of the duties of the pulenuu to regularly and thoroughly inspect all portions of his village and all other areas within his jurisdiction for compliance with the applicable provisions of this title.

(b) The pulenuu shall have the authority to charge any person within his jurisdiction with failure to comply with any provision of this title or any regulations adopted under it. Such charge shall be filed with the district court in the village over which the pulenuu has jurisdiction if the violation charged is punishable by a village regulation in effect therein and

adopted pursuant to the method for adopting village regulations as set forth in this Code. If the matter charged is not made punishable by any village regulation in the village in which the offense occurs, the pulenuu shall consult the Attorney General, who shall take appropriate action.

(c) The pulenuu shall also assist the director in carrying out sanitation work within his jurisdiction, and he may request the advice and help of the director on any sanitation problem within his jurisdiction.

History: 1972, PL 12-44 § 1.

25.0106 Service of written notice.

(a) Whenever the giving of a written notice is required or authorized under this title, such notice unless otherwise provided, may be given by serving a copy personally upon the person to be served or by mailing a copy to his last known address.

(b) Notice served by mail shall be complete upon deposit in the United States Postal Service in an envelope addressed to the last known address of the person to whom notice is being given and bearing sufficient postage.

History: 1972, PL 12-44 § 1.

25.0107 Penalty for maintaining or allowing public nuisance after notice to abate.

Every person who maintains a public nuisance or allows one to exist upon property or premises which he owns or occupies, after 10 days notice in writing to discontinue or abate the same has been personally served upon him, is guilty of a class C misdemeanor and upon conviction, shall be sentenced accordingly. The existence of such nuisance for each day beyond the tenth day after the service of such notice shall be deemed a separate and distinct offense.

History: 1972, PL 12-44 § 1; and 1980, PL 16-90 § 51.

Amendments: 80 Amended to conform with penalties provided for in Title 46, Criminal Justice.

Case Notes:

Absent change by statute, suit to abate public nuisance must be brought by authorized public official. In re Dogs in Tafuna, ASR 1978).

25.0108 Removal of nuisance at owner's expense.

In lieu of, or in addition to, the punishment authorized by this title, the director of health is authorized to abate and remove any public nuisance at the owner's expense 10 days after written notice to the owner of the director's intention to do so if the nuisance is not abated within the 10-day period. The cost of the abatement of the nuisance by the director shall be recovered by appropriate court proceedings.

History: 1972, PL 12-44 § 1; and 1979, PL 16-53 § 47.

Amendments: 1979 Substituted director of health for director of medical services and substituted "court proceedings" for "proceedings in the High Court of American Samoa".

25.0109 Abatement of serious public nuisance upon less than 10 days notice.

If any public nuisance immediately threatens the health of any person(s), the director may abate it either in the manner provided in 25.0107, or in the manner provided in 25.0108, giving only such notice as the time for such abatement permits.

History: 1972, PL 12-44 § 1.

25.0110 Violation—Penalty.

Any person who violates any provision of this title, any valid rule promulgated under this title, or any village

regulation for health and sanitation adopted in accordance with this Code, or refuses or neglects to comply with any lawful order issued by the director of health, the director of ASEPA or the solid waste official in carrying out the provisions of this title, the penalty for which is not otherwise prescribed in this title, is guilty of a class C misdemeanor and upon conviction, sentenced accordingly.

History: 1972, PL 12-44 § 1; and 1980, PL 16-90 § 52; 2001, PL 27-8.

Amendments: 1980 Amended to conform with penalties provided under Title 46, Criminal Justice.