

## Chapter 04

### BUNCHY TOP LAW

#### Sections:

- 24.0401** Definitions
- 24.0402** Eradication of bunchy top-Responsibility of occupiers of land
- 24.0403** Notice to director of existence of bunchy top
- 24.0404** Moving or removing infected plants
- 24.0405** Quarantine-Notice-End of quarantine
- 24.0406** Quarantined land-Duty of occupiers of land
- 24.0407** Notice to comply with chapter
- 24.0408** Right of entry-Recovery of costs
- 24.0409** Inspection and treatment without notice-Occupier's liability
- 24.0410** Appointment of inspectors
- 24.0411** Service of notice or other documents
- 24.0412** Notice-Noncompliance- Penalty
- 24.0413** Obstruction of director or inspector-Penalty

#### **24.0401 Definitions.**

In this chapter, unless the context otherwise requires:

- (a) "Banana", "plantain", and "hemp", when used collectively, mean and include all plants of the genus *Musa* and extend to the seeds and to every part of the plants, whether attached to the plants or separated therefrom.
- (b) "Director" means the director of agriculture.
- (c) "Inspector" means an inspector appointed under this chapter.
- (d) "Occupier", in relation to any land, means any person in actual occupation of the land or entitled to occupy the land, and includes the owner of the land and any other person in receipt of, or entitled to the receipt of, the rents and profits thereof and any agent or trustee of an occupier of the land.
- (e) "Plant" includes any plant or tree in any state of growth.

**History:** 1962, PL 7-16.

#### **24.0402 Eradication of bunchy top-Responsibility of occupiers of land.**

Every occupier of land on which there are any banana, plantain, or hemp plants infected with bunchy top shall at all times do all things necessary to eradicate bunchy top from such land and to prevent the spread thereof.

**History:** 1967, PL 7-16.

#### **24.0403 Notice to director of existence of bunchy top.**

If it comes to the knowledge of any occupier of land that there is any banana, plantain, or hemp plant infected with bunchy top on his land, he shall immediately notify the director of the existence of such bunchy top.

**History:** 1962, PL 7-16.

#### **24.0404 Moving or removing infected plants.**

The occupier of any land on which there is any banana, plantain, or hemp plant infected

with bunchy top may not remove it from the land, or move it from one part of the land to another part, except with the prior written consent of the director or an inspector.

**History:** 1962, PL 7-16.

#### **24.0405 Quarantine-Notice-End of quarantine.**

(a) The director may declare any area in which there are banana, plantain, or hemp plants infected with bunchy top to be a quarantine area within the meaning of this chapter.

(b) Notice of the quarantine shall be delivered to the pulenuu of the village in which or near which the area is located.

(c) If it appears to the director that bunchy top has been eradicated in any area so declared to be a quarantine area, he may end the quarantine as to the whole or any part of the area, and shall give notice of such action to the pulenuu.

**History:** 1962, PL 7-16.

#### **24.0406 Quarantined land-Duty of occupiers of land.**

(a) Every occupier of land within a quarantine area shall keep the ground surrounding every banana, plantain, or hemp plant free and clear of all weeds and other plant growths for a distance of not less than 6 feet.

(b) Every occupier of land within a quarantine area on which there is any banana, plantain, or hemp plant infected with bunchy top shall dig the plant out of the ground and split the stem lengthwise along the whole or its length into at least 4 pieces and slice the underground portion of the plant into sections not exceeding 1 inch in thickness.

**History:** 1962, PL 7-16.

#### **24.0407 Notice to comply with chapter.**

The director or an inspector authorized by him may, by notice to an occupier of any land in a quarantine area, require the occupier to comply with any requirements of this chapter, and in the notice may specify the work to be done and the time within which and manner in which such requirements and work shall be complied with.

**History:** 1962, PL 7-16.

#### **24.0408 Right of entry-Recovery of costs.**

(a) In any case where an occupier of land fails or neglects to comply with the requirements of this chapter, the director or any inspector or other person authorized by him may enter upon the land and comply with such requirements.

(b) All moneys reasonably expended by or on behalf of the director under this section as a consequence of failure or neglect of the occupier to comply with the requirements of this chapter shall be recoverable from any occupier by proper action in the High Court of American Samoa.

**History:** 1962, PL 7-16.

#### **24.0409 Inspection and treatment without notice-Occupier's liability.**

(a) The director or any person authorized by him may, at any time and without having first served any notice under 24.0407, enter upon any land, whether in a quarantine area or not, to ascertain if there is any banana, plantain, or hemp thereon infected with bunchy top, and may dust, spray or otherwise treat the land or any banana, plantain, or hemp thereon to prevent the

spread of bunchy top.

(b) When treatment is carried out on land without notice to the occupier to carry out such treatment, the occupier shall, nevertheless, be liable to pay the costs of such treatment.

**History:** 1962, PL 7-16.

#### **24.0410 Appointment of inspectors.**

The director may from time to time appoint inspectors and define their powers and functions.

**History:** 1962, PL 7-16.

#### **24.0411 Service of notice or other documents.**

(a) Any notice or other document required to be served on any person under this chapter may be served by delivering it to that person or by mailing it by first class mail to that person at his last known residence.

(b) A notice or other document so mailed shall be deemed to have been served at the time when the letter would in ordinary course reasonably be expected to be delivered.

(c) If the director or any inspector considers that any person would be more likely to learn of the contents of any notice or document if it were left on any land of which he is the occupier, or if such person is absent from American Samoa or is deceased, the notice or document may be served by affixing it on some conspicuous part of land of which he is the occupier.

**History:** 1962, PL 7-16.

#### **24.0412 Notice-Noncompliance-Penalty.**

Without prejudice to any other liability under this chapter, any person who fails or neglects to comply with the requirements of any notice lawfully served on him pursuant to the provisions of this chapter, or, after it has come to his knowledge that there is any banana, plantain, or hemp infected with bunchy top on his land, fails to notify the director thereof, shall be guilty of a misdemeanor and shall be fined not more than \$50.

**History:** 1962, PL 7-16.

#### **24.0413 Obstruction of director or inspector- Penalty.**

Any person who obstructs, hinders, or attempts to obstruct or hinder the director or any inspector or other person in making any inspection of any land or in carrying out any measures authorized by this chapter, shall be imprisoned for a period not to exceed 6 months, or fined in an amount not to exceed \$200, or both.

**History:** 1962, PL 7-16.