

ENACT [sic]

To prohibit littering and require proper disposal of waste material within Koror State.

THE PEOPLE OF KOROR REPRESENTED IN THE LEGISLATURE OF THE STATE OF KOROR DO ENACT AS FOLLOWS:

1 SECTION 1. POLICY.

2 It is the policy of the State of Koror to exercise its police powers  
3 in order to provide further for the public health and safety, to promote  
4 the beautification of the State, and to preserve its resources. To  
5 these reasons, the State needs to encourage persons to dispose of their  
6 garbage, trash, and other waste materials properly and to enact  
7 penalties for the violation of this Act.

8 SECTION 2. DEFINITIONS.

9 A. "Administrator" means the person appointed, pursuant to the  
10 Koror Constitution Arts. VI and VII, as the Koror State Executive  
11 Administrator.

12 B. "Person" means any individual human being or a club,  
13 cooperative, partnership, joint venture, corporation, company, sole  
14 proprietor, business, estate, trust, government entity (other than the  
15 national government of the Republic of Palau), or other association  
16 however organized or operated.

17 C. "Litter" means to dispose, throw, drop, discard, scatter, or  
18 otherwise surrender possession or control, or allow such to be done,  
19 of waste material or other items.

20 D. "State" means the State of Koror.

21 E. "Waste material" means any and all trash, plastic or paper  
22 wrappers, bottles, scraps, cans, papers, rubbish, garbage, refuse,  
23 discarded equipment, motor vehicles, or other machinery (or parts  
24 thereof) animal, mineral, or vegetative parts or remains, liquids, gases,  
25 or any form or substance.

26 SECTION 3. LITTERING AND IMPROPER DISPOSAL OF WASTE MATERIAL  
27 BANNED.

28 A. Public Property. No person may litter, or allow any other  
29 person under his employ, control, or discretion to litter, any waste  
30

31 material on any land or in any waters or atmosphere owned, controlled

by, under the jurisdiction of, or maintained by the State or by the Republic of Palau except in a public dumping ground so designated by the State or the Republic of Palau. This includes banning all trucks or other vehicles from allowing any soil, sand, coral, rocks, vegetation, or other similar materials to be blown from or otherwise to leave such vehicle so as to litter, either while the vehicle is moving or stationary.

B. Private Property. No person may allow any waste material to accumulate on their private property so as to allow any harborage or food for rats or other vermin or to create any other condition harmful to the public health and welfare.

#### SECTION 4. PENALTIES.

A. Public Littering. Each person who violates any provision of section 3A of this Act or who assists, allows, directs, abets, encourages, or aids any other person to violate such section of this Act:

1. Shall be liable for the following civil penalties:

(a) a civil penalty of two hundred dollars (\$200.00) per violation; and/or

(b) forfeiture to the State of the vehicle or vessel (including its equipment) used in allowing or committing such littering

or when such littering occurred; and

2. shall be guilty of a misdemeanor and punished by (a) incarceration of at least thirty (30) days but not to exceed 90 days and/ or (b) a fine of at least fifty (\$50.00) but not to exceed one hundred dollars (\$100.00); and

3. shall be liable for all of the State's reasonable costs and fees (including clean-up and attorney costs) that it incurs in enforcing this Act.

B. Separate Violation Per Day. Each piece of waste material that the person litters in violation of Section 3A of this Act shall constitute a separate violation of this Act.

C. Private Property. Each person who violates any provision of Section 3B of this Act or who assists, allows, directs, abets, encourages, or aids any other person to violate such section of this Act:

1. shall be liable for the following civil penalties:

(a) a civil penalty of two hundred dollars (\$200.00) per violation; and

shall be guilty of a misdemeanor and punished by (a) incarceration of at least thirty (30) days but not to exceed 90 days and/

or (b) a fine of at east fifty (\$50.00) dollars but not to exceed one hundred dollars (\$100.00); and

3. [sic] shall be liable for all of the State's reasonable costs and fees (including clean-up and attorney costs) that it incurs in enforcing this Act.

SECTION 5. ADMINISTRATOR'S FUNCTIONS.

The Administrator is hereby empowered to take all reasonable action in order to enforce this Act, to delegate functions and responsibilities hereunder, and to issue regulations that are appropriate or necessary in order to implement this Act.

SECTION 6. SEVERABILITY.

In the event that a court of competent jurisdiction determines that any provision of this Act is invalid, all other parts shall remain in effect. This Act shall not be construed so as to be inconsistent with any law (including RPPL 2-28) that may be determined to be Constitutionally applicable to activities or omissions within the State.

SECTION

This Act repeals Koror Ordinance 18-61 and any other State law inconsistent herewith.

SECTION 8. EFFECTIVE DATE.

This Act shall take effect upon its approval by the House of Traditional Leaders or upon its becoming law without such approval.

PASSED: April 25, 1989

CERTIFIED BY: \_\_\_\_\_/s/  
Roman Yano  
Speaker

ATTESTED TO BY: \_\_\_\_\_/s/  
Rena Iluches  
Clerk

APPROVED THIS 11<sup>th</sup> DAY OF May 1989.

\_\_\_\_\_/s/  
Ibedul Yutaka M. Gibbons  
Koror State High Chief

