

A SENATE BILL FOR AN ACT

To protect and preserve the natural quality of the air, land and marine environment of the State of Chuuk, and for other purposes.

BE IT ENACTED BY THE CHUUK STATE LEGISLATURE:

1 Section 1. Short Title. This Act may be cited as the "Chuuk State Clean Environment Act  
2 of 2018".

3 Section 2. Purpose. The purpose of this Act is to establish standards, regulate or ban  
4 certain items, man-made structures, activities or behavior that has the tendency to obscure,  
5 degrade or adversely impact the natural quality of the air, land and marine environment of the  
6 State of Chuuk for the benefit of its people and future generations.

7 Section 3. Definitions. For the purpose of this Act the following terms shall have the  
8 meanings:

9 (a) "fence" a barrier, railing, or other upright structure made up of wood or  
10 metal posts, wire, board, or tin roof enclosing or bordering a yard or  
11 field to prevent entrance, to confine, or to mark a boundary.

12 (b) "motorized heavy equipment" means a motorized heavy machinery or  
13 vehicle unit especially design for executing construction including  
14 crane, excavator, bulldozer, grater, roller, loader, forklift, heavy duty  
15 vehicles.

16 (c) "non-motorized" means (a) attachment to motorized heavy equipment  
17 such as loader bucket, excavator shear, (b) trailer including boat trailers  
18 and flatbeds or (c) single container unit design to contain merchandise,  
19 products or other matters.

20 (d) "single-use plastic bag" means a bag made of plastic including but not  
21 limited to bags made of an and all grades of polyethylene, polyethylene  
22 terephthalate, polyvinyl chloride, nylon with a thickness of less than  
23 1.5 millimeters provided at the checkout stand, cash registered, point of  
24 sale or other point of departure and that are intended for the purpose of  
25 transporting food or merchandise out of the establishment.

1 Section 4. Applicability. This Act effectively designate the following zones within the  
2 State of Chuuk for the purpose of application and enforcement of this Act.

3 Zone 1. Weno municipality.

4 Zone 2. Municipalities within Chuuk Lagoon.

5 Zone 3. Municipalities of the outer islands of the State of Chuuk.

6 Section 5. Tin roof or metal sheet fence prohibited.

7 (1) It is prohibited for any person to erect a metal sheet or tin roof fence of any  
8 size and length within fifty feet alongside the main public road or from a  
9 public office building, hospital, health centers, or public school in Zone 1.

10 (2) All existing tin roof and metal sheet fences in Zone 1 shall be phased out or  
11 removed by or before January 1, 2020. Within 90 days after the effective date  
12 of this Act, the Chuuk State Environmental Protection Agency shall identify  
13 and provide written notifications of this requirement to all affected fence  
14 owners in Zone 1. The list shall be provided to the Department of Public  
15 Safety and the Department of Public Works after the 90 days period.

16 (3) A new or existing concrete fence, chain-link fence, or a combination thereof,  
17 is not subject to the prohibition under Section 5(1) of this Act.

18 (4) Owners of adjoining lands located outside of the perimeter stipulated in  
19 Section 5(1) may enter into agreements setting forth their rights and liabilities  
20 regarding the erection, maintenance, repair, and the type of partition fence on  
21 to be used on their boundaries other than the type specified in Section 5(1).

22 (5) The Chuuk Environmental Protection Agency and the Office of the Attorney  
23 General shall enforce this Section in coordination with the Department of  
24 Public Safety and the Department of Public Works. This Section may be  
25 enforced by municipal police officers as authorized by the respective  
26 municipality government.

27 (6) A landowner or person who fails to comply or intentionally interfere with this  
28 Section after January 1, 2021 shall be charged with the offense of  
29 misdemeanor and shall, upon conviction, pay a fine of ten dollars. Fifty  
30 percent of the fine collected by the state court shall be paid into the account of  
31 the municipal government where the violation occurred.

1 (7) Chuuk State Environmental Protection Agency Board shall promulgate  
2 regulations within 120 days after the effective date of this Act that set forth  
3 requirements or conditions for granting of exemption or waiver under this  
4 Section.

5 (8) Each of the municipal governments in Zone 2 and Zone 3 may enact  
6 ordinances with the guidance of the Chuuk State Environmental Protection  
7 Agency as may be necessary to implement this Section within its respective  
8 jurisdiction.

9 Section 6. Unclaimed vehicle, truck, car, motorized heavy equipment.

10 (1) It is prohibited for an owner or person to leave or abandon an  
11 inoperative vehicle, truck, motorized heavy equipment or non-  
12 motorized heavy equipment within fifty feet alongside a public road  
13 for a period of more than ninety days.

14 (2) The Chuuk State Environmental Protection Agency shall issue a  
15 written notice to the registered owner or claimant of such vehicle,  
16 truck, motorized heavy equipment or non-motorized heavy equipment  
17 to remove it.

18 (3) After the ninety-days period, Chuuk Environmental Protection  
19 Agency shall declared such vehicle, truck, motorized heavy  
20 equipment or non-motorized heavy equipment as abandoned and  
21 confiscate it as an environmental problem of litter or junk to be  
22 immediately disposed of by the Department of Public Works unless  
23 the registered owner or claimant produces proof of ownership after  
24 which he shall be allowed a period of 30 days to remove the vehicle,  
25 truck, motorized heavy equipment or non-motorized heavy equipment  
26 outside of the perimeter of the area prohibited by this Act.

27 (4) Chuuk State Environmental Protection Agency shall issue a written  
28 notice to the registered owner or claimant who resides in another state  
29 regarding the abandoned vehicle, truck, motorized heavy equipment  
30 or non-motorized heavy equipment before applying the requirements  
31 under this Section.

- 1 (5) The registered owner or claimant who fails to comply or intently  
2 interfere with the processes under this Section shall be charged with  
3 the offense of misdemeanor and shall, upon conviction, pay a fine of  
4 twenty dollars for each confiscation.
- 5 (6) The Chuuk Environmental Protection Agency and the Office of the  
6 Attorney General shall enforce this Section in coordination with the  
7 Department of Public Safety and the Department of Public Works.  
8 This Section may be enforced by municipal police officers as  
9 authorized by the respective municipality government.
- 10 (7) The Chuuk Environmental Protection Agency in coordination with  
11 the Department of Public Works shall designate appropriate area(s) to  
12 serve as temporary holding space for confiscated vehicle, truck,  
13 motorized heavy equipment or non-motorized heavy equipment until  
14 they are disposed of permanently.
- 15 (8) After the effective date of this Act, Chuuk Environmental Protection  
16 Agency shall seek to enter into an agreement with a person or private  
17 entity to arrange the export of such confiscated vehicle, truck,  
18 motorized heavy equipment or non-motorized heavy equipment.

19 Section 7. Phasing out of single-use plastic shopping bags and expanded polystyrene  
20 (Styrofoam).

- 21 (1) It is prohibited for any person or business to import, possess, sell or  
22 distribute single-use plastic shopping bags after December 31, 2020.
- 23 (2) It is prohibited for any person or business to import, possess, sell or  
24 distribute expanded polystyrene (Styrofoam) after December 31, 2021
- 25 (3) Enforcing persons from the Chuuk State Environmental Protection  
26 Agency and the Division of Sanitation of the Department of Health  
27 Services shall have the right to enter any establishment during regular  
28 business hours, without a search or inspection warrant, to make  
29 reasonable inspection to ascertain whether there is compliance with  
30 the provisions of this Section. Upon finding a violation of this Section  
31 an enforcing person shall issue a written citation for the violation with

1 a penalty of First Offense: \$500.00 fine and confiscation of the subject  
2 stocks. Second Offense: \$1,000.00 and confiscation of the subject  
3 stocks. Third and subsequent Offense: \$5,000 fine and confiscation of  
4 the subject stocks.

5 Section 6. Severability. If any provision of this Act shall be held to be invalid by a court  
6 of competent jurisdiction, then such provision shall be considered separately and apart from the  
7 remaining provisions of this ordinance, which shall remain in full force and effect.

8 Section 7. Effective Date. This Act shall take effect upon approval of the Governor, or  
9 upon its becoming law without such approval.

Date: 8/29/18

Introduced by: [Signature]

Senator Mark Mailo