



LOLO L. M. MOLIGA
GOVERNOR

OFFICE OF THE GOVERNOR
American Samoa

LEMANU P. MAUGA
LIEUTENANT GOVERNOR

July 8, 2013

EXECUTIVE ORDER 016 - 2013

**EXECUTIVE ORDER DELEGATING THE ADMINISTRATION
AND ENFORCEMENT OF TITLE 26 CHAPTER 05 ASCA
TO THE DEPARTMENT OF COMMERCE**

Section 1. Authority

This Executive Order is issued under the authority granted to the Governor in Article IV, Sections 6 and 7 of the Revised Constitution of American Samoa, American Samoa Code Annotated Section 4.011, and American Samoa Code Annotated Section 26.0506.

Section 2. Preamble

Title 26 Chapter 05 ASCA provides for the regulation of signs, billboards, ground signs, wall signs, roof signs, illuminated signs, and other signs, for the announcement or the advertisement of any business, product, service or event. It provides for the issuance of a sign permit for signs that are not otherwise permissible.

The statute generally prohibits free-standing signs, except under certain circumstances. These include that the proposed sign does not interfere with or detract from the natural beauty and attractiveness of American Samoa, whether or not the sign purpose could be achieved by a permissible sign, and whether or not the sign interferes with traffic or poses a safety hazard.

Section 26.0503(c) indicates that special sign permits should not be allowed indiscriminately, but only when the need for them is shown, and the purpose to be served is a worthy one.

Section 3. Purpose

Unfortunately, Title 26 Chapter 05 ASCA has not been enforced for many years. Section 26.0506 ASCA allows the Governor to delegate administration and enforcement to such official or agency of the government as may be best suited for the task.

It is the purpose of this Executive Order to delegate the administration of Title 26, Chapter 05 ASCA to the Department of Commerce, and to recommend it consider and adopt rules around application of the law and procedures for its effective implementation.

Section 4. Delegation of Authority to Administer and Enforce Title 26 Chapter 5 ASCA

- a. Pursuant to Section 26.0506 ASCA, the Department of Commerce is hereby delegated the authority and responsibility for the administration and enforcement of Title 26 Chapter 5 ASCA.
- b. In undertaking this task DOC shall take into consideration the fact that Title 26 Chapter 05 has not been meaningfully enforced for many years, and that as a result there has arisen an abundance of non-conforming signs along many of American Samoa's roadsides.
- c. It is not the intent of this delegation that there be immediate, absolute enforcement of the restrictions imposed by Title 26 Chapter 05. Rather, the law should be enforced as written going forward, and DOC by rulemaking should address existing non-conforming signs in an orderly fashion that does not prove unreasonably disruptive to the business community.

Section 8. Effective Date

This Executive Order shall be effective immediately upon signing.

Dated: July 8, 2013

Lolo M. Moliga

LOLO M. MOLIGA
Governor of American Samoa