

TITLE 15 – PARKS AND RECREATION

Chapters:

- 01 General
- 02 Commercial Activities
- 03 Noncommercial Activities
- 04 Picnics
- 05 Golf
- 06 Temporary Food Concessions

TITLE 15 – CHAPTER 01 – GENERAL

Sections:

- 15.0101 Findings and purpose.
- 15.0102 Applicability and scope.
- 15.0103 Definitions.
- 15.0104 Hours.
- 15.0105 Severability.
- 15.0106 Penalties.

15.0101 Findings and purpose.

- (a) The director of parks and recreation has determined that certain commercial activities may be allowed in limited numbers and under controlled conditions within selected park areas under the management and control of the department of parks and recreation.
- (b) it has been further established, that these commercial activities will favorably contribute toward the ability of the general public to enjoy and utilize certain park areas and facilities. These activities, however, will result in increased administrative costs to the department. Therefore, the system which allows these commercial uses should ensure that the public is properly recompensed for the additional costs incurred.
- (c) Finally, it is recognized that commercial activities within the park system exist as a privilege, not as a right. Therefore, all reasonable measures by the department of parks and recreation to minimize the adverse impacts of these activities upon the general public and upon park capacities, are just and proper. These measures may include, but are not limited to, temporarily or permanently curtailing at any location, one or more commercial activities that may have become incompatible due to changes in circumstances.

History: Rule 17-87. eff 24 Dec 87. § 2.

15.0102 Applicability and scope.

These rules shall apply to all areas of the park system under the jurisdiction of the director as defined in Chapter 2 of Title 18, A.S.C.A. The purpose of these rules is to govern the use and protection of the Territorial Park System.

History: Rule 17-87. eff 24 Dec 87. § 2.

15.0103 Definitions.

As used in these rules, unless the context requires otherwise:

- (a) “Accessory activity” means a use which is incidental and subordinate to an authorized activity.
- (b) “Applicant” means an individual, group or organization who has made a formal request or petition to the department for a determination upon a commercial activity or for the purpose of securing a permit.
- (c) “Authorized activity” means a commercial use which has been properly reviewed and approved under these rules.
- (d) “Authorized representative” means any person legally or otherwise properly designated to act for the director.
- (e) A “boat” means any form of vessel capable of floating in the water and includes but is not limited to motor boats, sail boats, canoes, barges, and sail boards. For purposes of these rules a “boat” does not include swimming floaters or other authorized swimming equipment.
- (f) “Camping” means the act of sleeping during nighttime hours on the premises or the use or occupation of the premises by one or more persons who remain or intend to remain on the premises at any time between the hours of 10:00 p.m. and 6:00 a.m.
- (g) “Commercial activity” means a use or purpose designed for profit, which includes the exchange or buying and selling of commodities, or the providing of services, or relating to or connected with trade, traffic or commerce in general.
- (h) “Commission” means the parks and recreation commission created in Chapter 1, Title 18, A.S.C.A.
- (i) “Department” means the department of parks and recreation, Territory of American Samoa.
- (j) “Director” means the director of the department of parks and recreation, American Samoa Government.
- (k) “Government” means the American Samoa Government.

- (l) “Nonprofit organization” means any organization, club, family, or eleemosynary corporation which does not conduct business for profit on a regular basis.
- (m) “Park” means any area set aside, at the time of publication or any time thereafter by statute, by the territorial planning commission, by the zoning board, or by the department as territorial parks, community parks, territorial recreation facilities, community recreation facilities, historical and prehistoric objects and sites, and all facilities located in those areas. As of adoption, of these rules, the designated parks are: Onesosopo Park, Pago Park, the area on the seaside of the main highway in Malaloa between Burns-Philp and the yacht quay, Utulei Beach Park (from the Rainmaker Hotel to Morris Scanlan’s Gas Station), Faga’alu Park, Lions’ Park (Tafuna, including the tennis courts), the Ili’ili Golf Course, and Amanave Park, and the water adjacent to these land areas out to the 10 fathom curve. A map of these parks is attached to the end of this title as Appendix A.
- (n) “Park system” means all “parks” as defined above and all underwater land and water areas of the Territory of American Samoa extending from the mean high water line seaward to the 10 fathom curve.
- (o) “Permittee” means an individual, group or organization who has requested and received permission to conduct an authorized activity according to these rules.
- (p) “Picnic” means an outing with food and refreshments and which may include games, music or other, activities for the enjoyment of its members.

History: Rule 17-87 eff 24 Dec 87, § 2.

15.0104 Hours.

With the exception of the Ili’ili golf course, all parks are open to the public between the hours of 5:00 a.m. and 10:00 p.m., and closed to the public during other hours. Only activities authorized by permit will be allowed during the hours the parks are closed.

History: Rule 17-87. eff 24 Dec 87. § 2.

15.0105 Severability.

If any provision of these rules and regulations, or the application of such provision, is held to be invalid, the remaining portions of these regulations or the application of said portions shall not be affected.

History: Rule 37-87. eff 24 Dec 87, § 2.

15.0106 Penalties.

Any person found in violation of these rules and regulations in this title may be subjected to a fine of up to \$250 or denied use of territorial parks for the purpose requested, or both. Certain violations can be punished by imprisonment for up to 6 months, a \$500 fine, or both, for each violation. (Authority: 18.0203(8) and 18.0208 A.S.C.A).

History: Rule 17-87. eff 24 Dec 87, § 2.

[End Of Title 15 – Chapter 1]

TITLE 15 – CHAPTER 02 – COMMERCIAL ACTIVITIES

Sections:

- 15.0201 Commercial activities.
- 15.0202 Authorized activity designation.
- 15.0203 Public hearing.
- 15.0204 Criteria.
- 15.0205 Revocation of authorized activity designation.
- 15.0206 Advertisements.
- 15.0207 Business operations.

15.0201 Commercial activities.

All commercial activities within the territorial parks are subject to a system of regulation. Only authorized commercial activities shall be allowed within territorial parks.

History: Rule 17-87. eff 24 Dec 87, § 2.

15.0202 Authorized activity designation.

- (a) A commercial activity may receive an authorized activity designation only after proper application has been made to the department, a public hearing has been held (see 15.0203), and the application has been approved by the director and the commission.
- (b) Unless stated otherwise, authorized activity designations will be valid for 1 year from the date of issuance.
- (c) The fee for obtaining an authorized activity designation is \$50 and is payable prior to issuance.

History: Rule 17-57. eff 24 Dec 87. § 2.

15.0203 Public hearing.

A public hearing is required before an authorized activity designation may be awarded. During the course of a public hearing upon an application for an authorized activity designation, the director or an authorized representative may accept and consider written and oral information from interested persons.

History: Rule 17-87, eff 24 Dec 87. § 2.

15.0204 Criteria.

Applications for authorized activity designations will be reviewed on the following criteria:

- (1) whether the activity is consistent with the nature of a particular park;

- (2) whether the facilities in a particular park or the facilities of the park system generally may be consistent with the needs of the applicant and the general public;
- (3) the extent to which the general public will be inconvenienced should the activity be authorized;
- (4) whether the applicant has the appropriate business license(s) to conduct the activity requested;
- (5) whether an appropriate fee should be assessed should the activity be authorized;
- (6) whether there exist appropriate parks or locations within parks where the activity should take place;
- (7) appropriate times or durations when the activity should occur;
- (8) The proper number of persons that should be allowed to participate in the activity; and
- (9) any other subject or condition which relates to the propriety of any designation or application.

History: Rule 17-87. eff 24 Dec 87. § 2.

15.0205 Revocation of authorized activity designation.

- (a) The director or an authorized representative must schedule a hearing, with notice given to the permit holder, to revoke or otherwise modify an authorized activity designation. During the course of such a hearing, information may be accepted from interested parties related but not limited to:
 - (1) changes in conditions subsequent to the granting of the authorized activity designation;
 - (2) the reasonableness of the conditions that may have been set forth in the granting of the designation; and
 - (3) any other factor which relates to the proposed revocation or modification of the authorized activity designation.
- (b) After such a hearing, the director may revoke, modify or continue the authorized activity designation, and must provide the applicant or the affected permittees with a written explanation for the action.

History; Rule 17-87. eff 24 Dec 87. § 2.

15.0206 Advertisements.

Commercial notices or advertisements shall not be displayed, posted or distributed within the parks except with the prior written permission of the director. This includes the distribution of flyers placed on unattended vehicles. Permission to advertise may be granted only if the notices or advertisements relate to services, goods or facilities available within the premises, and the notices and advertisements are found by the director to be desirable and necessary for the convenience and guidance of the public.

History; Rule 17-87. eff 24 Dec 87. § 2.

15.0207 Business operations.

Engaging in or soliciting any business within the premises except in accordance with the provisions of an authorized activity designation, contract, license, lease, concession or other written agreement with the Government is prohibited.

History; Rule 17-87. eff 24 Dec 87, § 2.

[End Of Title 15 – Chapter 2]

TITLE 15 – CHAPTER 03 – NONCOMMERCIAL ACTIVITIES

Sections:

- 15.0301 Permits.
- 15.0302 Activities not allowed.
- 15.0303 Fees.
- 15.0304 Applications for permits.
- 15.0305 Denial of permits.
- 15.0306 Revocation of permits.
- 15.0307 Nonuse of permits.
- 15.0308 Camping.
- 15.0309 Unauthorized vehicles and equipment.
- 15.0310 Boats and boating.

15.0301 Permits.

(a) Valid permits shall be issued only by the department. Duplicate copies will not be honored. Depending on the activity, the activity may also require a business license (See Chapter. 27.02 A.S.C.A.). The following activities when conducted within the park system require a permit:

- (1) Fund-raising Activities. All fund-raising activities shall be conducted only with a permit.
- (2) Area Reservations. Reservations to conduct noncommercial activities at specific sites within the park system require a permit.
- (3) Picnics and Parties. Picnics and parties in which 50 or more people are either expected or the organizers should reasonably expect to attend require a permit.
- (4) Camping. Camping requires a permit.
- (5) Sports. All scheduled sporting and athletic activities, including practices require a permit.
- (6) Food Concessions. Operators of food concession stands need permits, in addition to other health permits and business licenses required by statute.
- (7) Parking. Parking is permitted only in designated parking lots. Parking of vehicles in designated parking lots between the hours of 2:00 a.m. and 5:00 a.m. requires a permit.
- (8) Boating and Boats. Keeping a boat within the park system longer than 8 hours requires a permit.

(b) Permits shall be valid for the date(s) or times stated thereon. If no date or time is stated, the permit shall be valid for 24 hours.

History: Rule 17-37. eff 24 Dec 87. § 2.

15.0302 Activities not allowed.

The following activities, whether commercial or noncommercial, fundraising or nonfundraising, are not allowed and permits will not be issued:

- (a) washing of any vessel or vehicle;
- (b) commercial preparation of food by restaurants or food caterers, unless the preparer has an authorized activity designation;
- (c) The placing, discharging, disposing of, or removing by any process or in any manner any refuse (including fish bait and catch cleanings), garbage, dirt, ashes or cinders (except as authorized in 15.0401(h), mud, sand, gravel, sludge, or any chemical whatsoever.

History: Rule 17-87, eff 24 Dec 87. § 2.

15.0303 Fees.

Except for permits issued to government agencies, all permits shall be subject to the following fees:

- (a) Permit Fees.
 - (1) Fund-raising activity, \$100;
 - (2) Nonfund-raising site reservation \$10.
- (b) Cleaning Fees. The following activities also require deposit of a refundable cleaning fee:
 - (1) Fund-raising activity, \$100;
 - (2) Picnics
 - (A) 0 through 50 people, free;
 - (B) 51 through 100 people, \$50;
 - (C) over 100 people, \$100.
- (c) Camping fees, \$2.

History: Rule 17-87. eff 24 Dec 87. § 2.

15.0304 Applications for permits.

The following conditions shall apply to permits:

- (a) In general, permits shall be issued on a first-come, first-served basis; however, depending upon the activity and the park involved, the department may implement a lottery system

when the number of requests exceeds the number of permits allowed.

- (b) Persons 18 years of age or older may be eligible to secure permits.
- (c) Applications for permits shall be submitted in writing, on a form provided by the department, at least 2 working days in advance of the date of the planned activity.

Applications shall be submitted to the department at:

Department of Parks & Recreation
American Samoa Government
P.O. Box 1268
Tafuna, American Samoa 96799

- (d) Permit applications may be obtained between the hours of 7:30 a.m. and 4:00 p.m. on regular working days of the department, at the Department Office in Tafuna.
- (e) Permits shall be nontransferable.
- (f) Persons or organizations to whom permits are issued are bound by the permit conditions stipulated on or attached to the permit and any applicable federal and territorial laws, rules, and regulations.
- (g) The size of the groups as well as the length of time any permit may be in effect may be limited by the director or his authorized representative.
- (h) All payments of fees and charges shall be in cash, cashier's check, certified check, postal money order, bank money order, or a check preprinted with the name of the applicant (organization or person) preprinted and drawn on a local bank. A fee of \$5 will be charged for returned form nonpayment.
- (i) Upon request, permittees shall show the permit to an authorized representative and to any law enforcement officer.
- (j) There shall be reasonable limitations upon the number of permits issued to each applicant for every park location.
- (k) Other terms and conditions deemed by the director necessary to carry out the provisions of these rules, or any applicable federal or territorial statute, regulation, or rule.

History: Rule 17-87. eff 24 Dec 87. § 2.

15.0305 Denial of permits.

Application for permits may be denied when:

- (a) The park or park facilities requested are closed or will be closed because of damage, or because of scheduled or on-going construction, repairs or maintenance activities, or because of other reasons.
- (b) A state of emergency is declared by the director or other proper authorities.
- (c) Natural or civil disturbances, including but not limited to, tsunamis, floods, earthquakes, storms, riots, or demonstrations, occur or threaten to occur.
- (d) There are inadequate facilities to meet the needs of the applicant for the permit and the needs of the general public.
- (e) The requested time or duration for the permit would exceed the limits as may be established elsewhere in these rules.
- (f) The requested number of people for the permit would exceed the limits as may be established elsewhere in these rules.
- (g) The request would exceed the number of permits authorized for that time and location, as may be established elsewhere in these rules.
- (h) The request is for use deemed by the director to be inconsistent with the public's interest in the safe and sanitary operation of the park system.

History: Rule 17-87. eff 24 Dec 87. § 2.

15.0306 Revocation of permits.

Permits may be revoked, cancelled or otherwise terminated at any time without prior notice when:

- (a) A state of emergency is declared by the director or other proper authorities.
- (b) Natural or civil disturbances, including but not limited to, tsunamis, floods, earthquakes, storms, riots, or demonstrations occur or threaten to occur.
- (c) Permittees violate permit conditions or other provisions of these rules.
- (d) Fees are not paid as required.

History: Rule 17-87. eff 24 Dec 87. § 2.

15.0307 Nonuse of permits.

Failure to use a permit at the designated time and place, not due to an act of interference by the department shall not result in a refund or credit of fees previously paid, with the exception of the cleaning fee.

History: Rule 17-87, eff 24 Dec 87, § 2.

15.0308 Camping.

Camping is only permitted within the territorial park system with prior approval. A permit is required. Authorization to camp at a certain area must be endorsed by the department on the permit.

History: Rule 17-87. eff 24 Dec 87. § 2.

15.0309 Unauthorized vehicles and equipment.

- (a) No vehicle may be parked in a territorial park except in designated parking lots. No vehicle may be parked in a designated parking lot between the hours of 2:00 a.m. and 5:00 a.m. unless authorized by the department and endorsed on a valid permit.
- (b) The department is authorized to remove from park property and at the owner's expense any unauthorized boat, vehicle, or machinery or equipment.

History: Rule 17-87. eff 24 Dec 87, § 2.

15.0310 Boats and boating.

- (a) No boats may be operated in a careless or reckless manner when within waters included in the territorial park system so as to endanger the life or property of any person.
- (b) No boats may be in any park for longer than an 8-hour period unless authorized by the department and endorsed on a permit.
- (c) No boat may be operated in any park between the hours of 7:30 p.m. and 5:00 a.m.
- (d) No boats are allowed to sail, move, moor, anchor, or berth in designated swimming areas, except in case of emergency.
- (e) With the exception of when being launched and brought ashore, no commercial boats are allowed in any park at any time.
- (f) When operating within the 5 fathom curve and in waters adjoining territorial parks, recreational boats must be operated at speeds slower than 5 knots.

- (g) Recreational boats are only allowed to moor, anchor, or berth ashore in designated areas within the territorial parks.
- (h) The area seaward and to the west of the Pago Pago Yacht Club in Utulei is designated for aquatic activities, and recreational sailboats and canoes may be stored in that area and operated in the adjacent waters.

History: Rule 17-87, eff 24 Dec 87, § 2.

[End Of Title 15 – Chapter 3]

TITLE 15 – CHAPTER 04 – PICNICS

Section:

15.0401 General picnic and party rules.

15.0401 General picnic and party rules.

The following general rules shall apply to all picnics and parties held at any territorial park, except as otherwise noted:

- (a) Any picnic site at a territorial park may be used on a first-come first-served basis.
- (b) Picnic and party groups with less than 50 persons: Picnic and party groups with less than 50 persons are considered “family groups” and do not require a permit unless a specific site is reserved. See 15.0303 for the required fees.
- (c) Picnic and party groups consisting of 50 or more persons: Picnic groups consisting of 50 or more persons must obtain a picnic permit from the department and shall have it readily available at the picnic or party site for presentation to any police or department representative upon request. For large picnics and parties where the group size is 100 or more, and where advanced picnic site reservations are necessary for planning purposes, a permit application must be submitted no later than 3 working days prior to the requested date of use.
- (d) Deposits and fees:
 - (1) 0 through 50 people, free;
 - (2) 51 through 100 people, \$50;
 - (3) over 100 people, \$100.
- (e) Vehicles shall not be allowed to be driven on grassed areas for loading and unloading or any other purpose unless approval is obtained from the department and authorization is noted on the permit.
- (f) Except for in barbeque grills and braziers, the kindling, building, maintaining or using of any fire is prohibited unless specifically authorized on the permit.
- (g) Private barbeque grills must be lifted at least 12 inches above the grass and kept away from tree trunks, plants, and picnic tables.
- (h) Ashes and charcoal shall not be deposited near trees, plants or anywhere on the ground. Live charcoal shall be deposited only in permanently installed barbeques where provided, or in refuse

containers after the charcoal is completely extinguished.

- (i) hookups for electricity and/or water are allowed provided authorization is noted on the permit.
- (j) Drinking of alcoholic beverages in the parks is permitted; however, persons making loud or offensive conduct, or distracting others will be asked to leave the park.
- (k) Small canopies or other tent-like shelters used for protection from the sun may be allowed provided they do not interfere with other park users, interfere with park maintenance work, or damage park vegetation. Large tents sustained by poles and pegs may be allowed provided a site plan is submitted and approved by the department, and then only if authorization is noted on the permit. Nails, screws or spikes shall not be driven into trees or structures.
- (l) Picnickers and parties must keep their area clean and deposit all rubbish in the containers provided.
- (m) Food caterers shall not be allowed to cook food on territorial property.

History: Rule 17-87. eff 24 Dec 87. § 2.

[End Of Title 15 – Chapter 4]

TITLE 15 – CHAPTER 05 – GOLF

Sections:

- 15.0501 General rules for use of golf course.
- 15.0502 Hours of operation.
- 15.0503 Golf carts.
- 15.0504 Fees.
- 15.0505 Prohibited activities and remedies.

15.0501 General rules for use of golf course.

These general rules shall apply to all persons using the Ili'iili golf course:

- (a) The maximum size of any party playing together is 5.
- (b) The minimum size of any party playing is 2.
- (c) All divits must be replaced as they are made by the person who made them.
- (d) No golfer may hit his next shot until the following:
 - (1) on par-three holes, until the party ahead leaves the green;
 - (2) on par-four holes, until the party ahead gets to the green; and
 - (3) on par-five holes, until the party ahead has moved out of your tee-off shot range.

History: Rule 17-87. eff 24 Dec 87. § 2.

15.0502 Hours of operation.

The golf course is open from 6:00 a.m. to 6:00 p.m., 7 days a week.

History: Rule 17-87. eff 24 Dec 87. § 2.

15.0503 Golf carts.

The following rules apply to use of golf carts leased from the department:

- (a) The maximum number of people that can ride on a cart at the same time is 2.
- (b) Carts are not permitted on the greens.
- (c) Carts may be used only by golfers and on the golf course.
- (d) Persons using a golf cart are liable for any damage they cause to the cart or to any department facilities. If the damage is not paid for within the time allowed by department personnel, the person may be suspended or barred from the course and subject to civil suit.

History: Rule 17-87. eff 24 Dec 87. § 2.

15.0504 Fees.

(a) The following fee schedule applies to use of the golf course:

(1) Green Fees:

(A) Daily Rates:

- (i) Weekdays: 9 holes \$3.00
18 holes 5.00
- (ii) Weekends: 9 holes 3.50
18 holes 7.00
- (iii) Holidays: 9 holes 3.50
18 holds 7.00

(B) Monthly rates (per person) 30.00

(C) Yearly rates (per person) 324.00

(2) ASG Golf Carts:

(A) Daily Rates:

- (i) Weekdays: 9 holes \$5.00
18 holes 10.00
- (ii) Weekends: 9 holes 6.00
18 holes 12.00
- (iii) Holidays: 9 holes 6.00
18 holes 12.00.

(b) Monthly and yearly passes are not valid on weekends and holidays.

(c) Persons age 60 and over are designated senior citizens for purposes of this section. Subsections (a) and (b) of this rule apply to senior citizens, except they shall pay one-half of the green fees stated in subsection (a)(l) of this section.

History: Rule 17-87. eff 24 Dec 87, § 2.

15.0505 Prohibited activities and remedies.

In addition to the prohibited activities set forth in the preceding sections of this chapter, the following activities are prohibited:

- (a) No person is authorized to allow private animals on the course. If animals are found on the course, department employees have the authority to dispose of the animal in any lawful manner they deem appropriate.
- (b) Except for department employees, no person shall be on the course except during the periods of operation stated in 15.0504 above. Persons found on the course during unauthorized times may be suspended or barred from further use of

the course and referred to the police department for criminal prosecution as deemed appropriate by department personnel.

- (c) No person is allowed to play golf or use a department golf cart without having paid the required fees.
- (d) Private vehicles are not allowed on the golf course except in the case, of a medical emergency, and then only to pick up and transport the sick or injured person from the course.
- (e) No children under 12 years of age are allowed on the golf course at any time unless they are registered with the junior golf program.

History: Rule 17-87. eff 24 Dec 87, § 2.

[End Of Title 15 – Chapter 5]

TITLE 15 – CHAPTER 06 – TEMPORARY FOOD CONCESSIONS

[SEE NEXT PAGE FOR APPENDIX – LOCATION OF PUBLIC PARKS]

Sections:

- 15.0601 Applicability and scope.
- 15.0602 Objectives.
- 15.0603 Permit procedures.
- 15.0604 Duration of concession stand.

15.0601 *Applicability and scope.*

These rules and regulations shall apply to temporary food concessions erected and operated in public parks under the control, management and operation of the department.

History: Rule 17-87, eff 24 Dec 87, § 2.

15.0602 *Objectives.*

These rules and regulations are promulgated for the following purposes:

- (a) to ensure that only bona fide nonprofit organizations are granted permits to operate temporary food concessions within territorial parks;
- (b) to ensure that the food sold from these concessions is fit for human consumption: (e) to ensure applicants for food concessions are treated fairly by the department.

History: Rule 17-87, eff 24 Dec 81, § 2.

15.0603 *Permit procedures.*

Nonprofit organizations desiring to sponsor and conduct food concessions on park property during authorized periods shall:

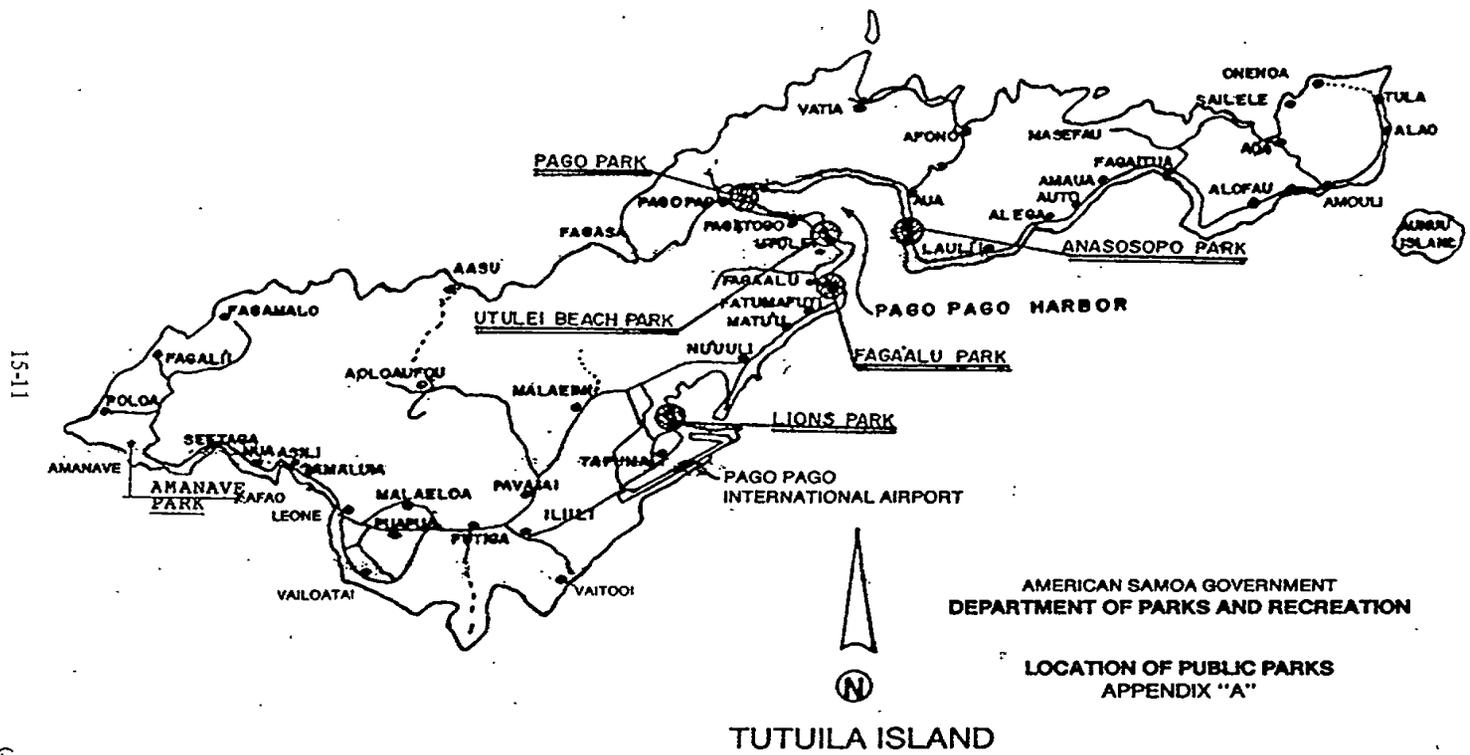
- (a) submit an application for temporary concession to the department after the applicant has received date and park assignment approval, but no earlier than 7 days prior to the date of the event;
- (b) attach to the application all appropriate public health clearances;
- (c) attach to the application a refundable deposit in the amount of \$100 to ensure proper and immediate cleanup, and restoration of damages.

History: Rule 17-87, eff 24 Dec 87, § 2.

15.0604 *Duration of concession stands.*

The duration of all concession stands held in territorial parks shall be limited to 5 calendar days.

History: Rule 17-87, eff 24 Dec 87, § 2.



END OF TITLE 15 – PARKS AND RECREATION