

# **TITLE 6**

## **LOCAL GOVERNMENT**



## TITLE 6 LOCAL GOVERNMENT

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### CHAPTER 1 [RESERVED – GENERAL PROVISIONS]

Notes: 1. 4 TTC §§3, 51, 101 – 106 & §109 (1980) have been superseded by the Pohnpei Constitution. 2. PDC §1-300 as amended by D.L. No. 4L-206-79 §11-3(2), 9/5/79 and as further amended by S.L. No. 2L-158-90 §6(1), 8/2/90 has been superseded by the Pohnpei Constitution and the General Election Law, Title 10.

### CHAPTER 2 PLANNING

#### Section

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**§2-101. Findings.** — It is the sense of the Pohnpei Legislature that if Pohnpei is to gain true self-reliance in the foreseeable future, the valuable participation and efforts of all its inhabitants must be recognized and fostered. In the drive toward self-reliance, the participation of local governments, closest to the heart and pulse of the people in their homes and communities, is of crucial importance. It is therefore at this level where developmental planning can have the most dramatic and beneficial influence on the future progress of our people, and it is for this level of planning and development that this statute has been enacted.

Source: S.L. No. 1L-16-85 §1, 4/23/85

**§2-102. Plan development: contents.** — Each local government, pursuant to its own constitution, ordinances, and rules, shall develop a comprehensive plan for the development of its jurisdiction and for the overall operations of its governing bodies for the next ensuing fiscal year. Such plans shall not be inconsistent with the overall Pohnpei Development Plan and shall include, but need not be limited to, the following considerations:

- (1) Development of the human and physical resources of the local jurisdiction and its inhabitants;
- (2) Protection and enhancement of the health, safety, and social well-being of the inhabitants;
- (3) Identification and preservation of the history and culture of the local jurisdiction and its inhabitants;
- (4) Conservation of the natural resources and protection of the environment of the local jurisdiction; and
- (5) Administration of government and its services to the inhabitants of the local jurisdiction.

Source: S.L. No. 1L-16-85 §2, 4/23/85

**§2-103. Plan development: format.** — Each plan so developed by the local government shall be organized pursuant to the format to be developed by the planning official designated by the Governor for this purpose.

Source: S.L. No. 1L-16-85 §3, 4/23/85

Note: Reference to "planning advisor" has been omitted as it is not a statutory office.

**§2-104. Plan presentation.** — Each local government, upon completion of its plan and approval thereof in the manner prescribed by the constitution, ordinances, and rules of that government, shall submit a copy thereof to the Governor under covering letter of the chief executive of the local government and a copy of the ordinance adopting such plan. Following his receipt thereof, the Governor shall inform the Legislature, in writing, of his receipt of the plan, and shall within 30 days thereafter transmit the plan to the Legislature along with his comments as to its sufficiency in respect to the requirements of §§2-101 – 2-110 of this chapter; PROVIDED, HOWEVER that if he shall determine that the plan is materially deficient in any respect to the legal requirements of §§2-101 – 2-110 of this chapter, he may return the plan to the local government for further work, stating his reasons therefor.

Source: S.L. No. 1L-16-85 §4, 4/23/85

**§2-105. Plan review: hearings.** — Upon its receipt of a plan, the Legislature shall commence extensive public hearings in the jurisdiction of origin, and to the extent practical, the Governor shall provide technical assistance from his departments, offices, and agencies to the Legislature in its review of the plan. The Speaker of the Legislature and the Governor may, by agreement, further form a joint task force to assist in the review and conduct of hearings on the plan. Public officials of the local government shall be invited to all public hearings relative to their respective plan and shall be accorded an active place in the plan review process. For purposes of coordination and efficiency, the public hearings may be scheduled in a manner that hearings on the plans of each of the local governments in a geographical area will be held in a consecutive and logical sequence.

Source: S.L. No. 1L-16-85 §5, 4/23/85

**§2-106. Plan review: revision.** — Should the plan review and public hearings reveal the need to modify the plan, it shall be returned by the Legislature to the local government with written comments as to suggested revisions therein, and thereafter the plan shall be resubmitted in the manner heretofore prescribed; PROVIDED that should the subject matter of revision have already been a matter of discussion in the previous public hearings, no additional public hearings shall be required.

Source: S.L. No. 1L-16-85 §6, 4/23/85

**§2-107. Plan enactment.** — Following review and public hearings on each of the plans submitted by the local governments, and having approved of the technical aspects and contents thereof, the Legislature shall, by a single statute, adopt said plans as a part of the official overall development policy of Pohnpei; PROVIDED that if a local government plan has not been submitted, or if the hearing and approval process relative thereto has yet to be completed by January 30, for the plan for the next fiscal year the Legislature may enact a statute relative to such plans that have been so approved, and by later amendment to said statute provide for the adoption of subsequently approved plans.

Source: S.L. No. 1L-16-85 §7, 4/23/85

**§2-108. Budget calls, requests, and submission.** — Following the enactment of the approval statute as prescribed above, the Governor shall, in his annual budget call, provide the local governments having approved plans with a budget figure for requesting appropriations for projects and programs identified in their respective plans. The figures so provided to the local governments shall be apportioned among the local governments on a formula established by the Governor and approved by the Legislature which shall provide for a division of at least thirty percent (30%) of local tax revenues of Pohnpei by population on the basis of local citizenship as prescribed by Article 11 §3 of the Pohnpei Constitution. Upon receipt of the call, each local government shall prepare, in accordance with its own constitution, ordinances and rules, a budget request for appropriation for projects and operations identified in its plan for the next ensuing fiscal year, which shall be transmitted by the chief executive of the local government to the Governor for inclusion in his annual budget presentation to the Legislature. Upon finding that the projects and operations for which funding is requested fall within the respective approved plans and the funding requested falls within the levels so prescribed in the budget call, the Governor shall forward the same to the Legislature along with his comments thereon in his annual budget message to the Legislature. Requests for supplemental appropriations for projects and operations identified in the plans may be requested by the local governments at any time through submission thereof to the office of the Governor.

Source: S.L. No. 1L-16-85 §8, 4/23/85

**§2-109. Technical assistance.** — The Governor shall, to the extent practicable, provide technical assistance to the local governments in the development and implementation of their plans and the preparation and submission of requests for funding of projects and operations identified therein.

Source: S.L. No. 1L-16-85 §9, 4/23/85

**§2-110. Financial assistance for plan development.** — There is hereby authorized for appropriation from the general fund of Pohnpei an annual sum or sums to be determined and as may be allocated in the Comprehensive Budget Act for assistance to the local governments in the development of their local plans as provided in §§2-101 – 2-110 of this chapter. All sums appropriated under the authorization of §§2-101 – 2-110 of this chapter shall be administered and expended by the Governor solely for the purpose stated in this section. The Governor shall report to the Legislature on or before October 15 each year on all matters relative to the administration and expenditure of the sums appropriated under the authorization of §§2-101 – 2-110 of this chapter for the previous fiscal year. Any balance of the sums so appropriated not expended or obligated for expenditure on September 30 each fiscal year for which they were appropriated shall revert to the general fund of Pohnpei.

Source: S.L. No. 1L-16-85 §10, 4/23/85

**§2-111. Local government development plans: adoption.** — Pursuant to Article 11 §3 of the Pohnpei Constitution and §§2-101 – 2-110 of this chapter, the development plans of the local governments of Pohnpei for the years 1987 through 1991 are hereby adopted by the Pohnpei

Legislature and declared to be part of the first Pohnpei Development Plan and herein integrated into the overall official development policy of the Government of Pohnpei.

Source: P.L. No. 1L-188-87 §1, 11/2/87

**§2-112. Local government development plans: construction.** — The local development plans adopted by §2-111 shall be deemed as planning documents for the purpose of guiding Pohnpei and local government officials and private sector developers in the major development goals and strategies of each respective local jurisdiction and Pohnpei. Project identifications, costs, and implementation schedules are incorporated in each of the respective plans for illustrative purposes only. Specific project descriptions, funding levels, and initiation dates or fiscal year implementation schedules shall be as provided in the various authorization laws and the annual Comprehensive Budget Acts of the Pohnpei Government and/or annual budget acts of each respective local jurisdiction.

Source: P.L. No. 1L-188-87 §2, 11/2/87

**§2-113. Local government development plans: authority to transmit.** — The Governor is hereby authorized to transmit the local development plans adopted by §2-111 to all necessary and relevant persons, associations, and organizations as the components of the first overall development plan for Pohnpei.

Source: P.L. No. 1L-188-87 §3, 11/2/87

**§2-114. Local government development plans: amendments.** — Amendments to these local development plans shall be effectuated in the manner provided by §§2-101 – 2-110, or their successors.

Source: P.L. No. 1L-188-87 §4, 11/2/87

## CHAPTER 3 FINANCING

### SUBCHAPTER I REVENUE SHARING

#### Section

3-101 Short title

3-104 Authorization for appropriation;  
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3-102 Purpose

3-103 Revenue sharing

### SUBCHAPTER II RESIDENCY REQUIREMENTS

3-105 Residency required for liability

3-107 Temporary residence

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### SUBCHAPTER I REVENUE SHARING

**§3-101. Short title.** — This subchapter is known and may be cited as the “Local Government Revenue Sharing Act of 1989.”

Source: S.L. No. 2L-137-89 §1, 10/1/89

**§3-102. Purpose.** — The purpose of this subchapter is to provide financial assistance to the local governments of Pohnpei pursuant to the requirements of Article 11 §3 of the Pohnpei Constitution.

Source: S.L. No. 2L-137-89 §2, 10/1/89

**§3-103. Revenue sharing.** — Not less than thirty percent (30%) of all taxes received by the Pohnpei Government from sources within Pohnpei shall be appropriated among the 11 local governments for operations and development projects identified in the local plans. Allocations of such tax revenues among the 11 local governments shall be by population based on the local citizenship, as determined by the 1985 official census or any official census thereafter, from the following sources:

(1) All tax revenues received by the Pohnpei Government pursuant to the taxes listed in Chapter 2 of the Ponape District Code, inclusive of all amendments and revisions thereto;

(2) All tax revenues received by the Pohnpei Government pursuant to the tax provided by Title 12 Chapter 4, inclusive of the fees required for filing the certificate of registration incorporated therein and all amendments and revisions to said chapter;

(3) All tax revenues received by the Pohnpei Government pursuant to tax laws and provisions enacted by the Pohnpei Government following the effective date of this subchapter [*October 1, 1989*], inclusive of all amendments and revisions thereto;

(4) All tax revenues received by the Pohnpei Government pursuant to Article IX §5 of the Constitution of the Federated States of Micronesia; and

(5) All tax revenues received by the Pohnpei Government in the form of civil penalties imposed for the delinquent payment of the taxes listed in the foregoing subsections of this section.

Source: S.L. No. 2L-137-89 §3, 10/1/89

Note: The hotel tax provided in D.L. No. 4L-61-76 has been superseded by §§15-1 – 15-6 of S.L. No. 4L-35-97, codified as 12 PC Chapter 4.

**§3-104. Authorization for appropriation; administration.** —

(1) There is hereby authorized for appropriation a sum or sums to be determined annually in the Comprehensive Budget Act from the general fund of Pohnpei pursuant to §3-103. Sums appropriated under the authorization of this section shall remain available until fully expended.

(2) The sum or sums appropriated to each local government shall be administered and expended by the chief executive of the respective local government solely for the purposes as generally stated in §3-103 and as specifically allocated in the annual Comprehensive Budget Act; PROVIDED that when there is no specific allocation made by Pohnpei statute then as specifically allocated in an ordinance of the respective local government. Administration and expenditure of the sums appropriated pursuant to this section shall be in conformance with applicable Pohnpei statutes and regulations promulgated thereto. The chief executive of each respective local government shall report to the Legislature on or before October 15 each year on all matters concerning the expenditure of the sums authorized for appropriation by this section.

Source: S.L. No. 2L-137-89 §§ 4 & 5, 10/1/89

## SUBCHAPTER II RESIDENCY REQUIREMENTS

**§3-105. Residency required for liability.** — It shall be lawful for each local government, if it desires, to levy a local government improvement tax which shall be paid by every taxable person who has resided in the local jurisdiction for a period of one year or more, irrespective of his legal residence.

Source: PDC §2-1(a), 3/71

**§3-106. Local government improvement tax.** — For the purpose of this law, local government improvement tax shall mean a tax, whether in cash or labor, levied and collected by a local government and which shall be used only for improvement projects undertaken by the local government.

Source: PDC §2-1(b), 3/71

**§3-107. Temporary residence.** — Any taxable individual who temporarily resides in a local jurisdiction and leaves the same local jurisdiction before he is qualified under this law to pay for local government improvement tax to his legal residence shall continue the payment of this tax to his legal residence. But a person who has continuously resided for one year or more in a local jurisdiction which does not have such a tax may stop the payment of this tax to his legal residence.

Source: PDC §2-1(c), 3/71



## CHAPTER 4 SERVICES

### Section

#### 4-101 Potable water regulations

##### **§4-101. Potable water regulations. —**

(1) *Designation.* Each local government shall designate those areas in which are located sources of water which are to be used for human consumption and shall cause to be indicated by signs in both English and the local language that said areas are sources of potable water and therefore must not be contaminated. This notice shall also give warning that any person or persons contaminating these sources of water shall be punished as hereinafter provided.

(2) *Contamination.* It shall be unlawful to bathe, wash clothes, wash cooking utensils or dishes, urinate, dispose of garbage or human waste, permit fowls or animals to enter into any source of water to be used for human consumption. No cemetery, toilet, cow pasture, pig pen, fowl run, carabao enclosure or garbage dump shall be located within 40 meters (approximately 130 feet) of any sources of potable water.

(3) *Penalties.* Whosoever violates one or more provisions of this section shall, upon conviction thereof, be imprisoned for a period not to exceed 30 days, or fined not more than \$25, or both such fine and imprisonment.

Source: PDC §7-1, 3/71

LOCAL GOVERNMENT

**CHAPTER 5  
LOCAL GOVERNMENT LICENSING**

Section  
5-101 Licensing of taxis

**§5-101. Licensing of taxis.** — No local government of Pohnpei State shall require the payment of a service license fee for the operation of any land or water taxi or any rental boat or rental vehicle unless the taxi or rental boat or rental vehicle is usually garaged or stored overnight within the geographic boundaries of that local jurisdiction.

Source: PDC §1-301, 3/71

**CHAPTERS 6 – 9  
[RESERVED]**

LOCAL GOVERNMENT

## CHAPTER 10 LOCAL GOVERNMENT FINANCES

### Section

10-101 Establishment of a local government aid fund	10-103 Authorization for appropriation; administration
10-102 Justification of request	10-104 Local government project fund: authorization for appropriation; administration

**§10-101. Establishment of a local government aid fund.** — There is hereby established a local government aid fund for the purpose of providing aid to the local governments of Pohnpei for government operations, the acquisition, renovation, improvement or completion of local public facilities or projects, and for other public purposes as may be determined by the appropriate local government and approved by the Governor.

Source: PDC §10-400(a), 3/71; S.L. No. 1L-13-85 §1, 4/15/85

Note: S.L. No. 2L-27-80 §1 repealed PDC §10-400 in its entirety and established a new PDC §10-400.

**§10-102. Justification of request.** — It shall be the responsibility of each local government chief executive to present a request to the Governor in writing detailing the intended use of any requested funds. All requests for capital improvement funds shall be fully substantiated by plans clearly drawn and all cost estimates shall be fully justified.

Source: PDC §10-400(b), 3/71; S.L. No. 1L-13-85 §1, 4/15/85

Note: S.L. No. 2L-27-80 §1 repealed PDC §10-400 in its entirety and established a new PDC §10-400.

**§10-103. Authorization for appropriation; administration.** — There is hereby authorized for appropriation from the general fund of Pohnpei a sum or sums to be determined in the Comprehensive Budget Act solely for the purposes specified in §10-101. The sums herein authorized for appropriation shall be administered and expended by the Governor solely for the purposes stated in §10-101. The Governor shall report to the Legislature on or before October 15 each year on all matters concerning the expenditure or obligation for expenditure of the sums appropriated under the authorization of this section. Any balance of the sums annually appropriated under the authorization of this section not expended or obligated for expenditure on September 30 shall revert to the general fund of Pohnpei.

Source: PDC §10-400(c), 3/71; S.L. No. 1L-13-85 §1, 4/15/85

Note: S.L. No. 2L-27-80 §1 repealed PDC §10-400 in its entirety and established a new PDC §10-400.

Extended legislative history: PDC §10-400, 3/71; PDC §10-400 (a) was amended by D.L. No. 3L-13-72 §1, 5/24/72, D.L. No. 3L-58-73 §29, 5/29/73, D.L. No. 4L-116-77 §1, 11/10/77, and S.L. No. 1L-7-79 §1, 10/15/79; PDC §10-400(c) was amended by D.L. No. 4L-89-77 §1, 5/6/77; S.L. No. 2L-27-80 §1, 9/30/80 repealed PDC §10-400 in its entirety and established a new PDC §10-400, and was amended by S.L. No. 1L-13-85 §1, 4/15/85.

**§10-104. Local government project fund: authorization for appropriation; administration.** —

(1) There is hereby authorized for appropriation from the general fund of Pohnpei an annual sum or sums to be determined and allocated in the Comprehensive Budget Act for the purpose of assisting the local government jurisdictions of Pohnpei State in the financing of projects and programs within those local government jurisdictions that are authorized by the respective local government council; PROVIDED, HOWEVER, that no portion of the sums authorized for appropriation by this section shall be expended for salaries, compensation, per diem, stipends or other expenses or allowances of local government officials or council members.

(2) The Governor shall designate a coordinating agency or agencies for the purpose of providing technical assistance to the local government councils in the execution of their projects. The Governor

shall submit an annual report to the Legislature on or before October 15 on all activities undertaken by his office pursuant to this section.

(3) The chief executive officer of each local government, upon concurrence of the respective local government council, shall administer and expend the sum herein authorized for appropriation which is allocated to that local government jurisdiction solely for purposes specified in Subsection (1) of this section. Requests for funds from the general fund shall be directed to the Director of the Department of Treasury and Administration and shall be co-signed by at least a majority of the local government council. The chief executive officer of each local government shall report yearly on or before October 15 on all matters relating to the administration and expenditure of the authorized sums appropriated and allocated in the respective Comprehensive Budget Act for that local government jurisdiction. All sums authorized for appropriation by this section shall be appropriated on a fiscal year basis; PROVIDED, HOWEVER, that any sum remaining unobligated on September 30 each year shall revert to the general fund of Pohnpei.

Source: Subsection (1) – D.L. No. 3L-82-74 §1, 6/29/74; D.L. No. 4L-18-76 §1, 7/1/76; D.L. No. 4L-92-77 §1(a), 7/1/77. Subsection (2) – D.L. No. 4L-92-77 §1(b), 7/1/77; D.L. No. 4L-136-78 §27, 3/27/78. Subsection (3) – D.L. No. 3L-82-74 §2, 6/29/74, D.L. No. 4L-136-78 §35, 3/27/78

## **TITLE 7 [RESERVED]**

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