

TWELFTH KOSRAE STATE LEGISLATURE

THIRTEENTH REGULAR SESSION, OCTOBER 2020

L.B. No.

12-202

J&GU

A BILL FOR AN ACT

To amend the Kosrae State Code by amending Section 13.509 Public Nuisance under Chapter 5 of Title 19; and for other purposes.

BE IT ENACTED BY THE KOSRAE STATE LEGISLATURE

1 Section 1. Purpose. The purpose of this Act is to amend the Kosrae State Code by
2 amending Section 13.509 under Chapter of Title 13; and for other purposes.

3 Section 2. Amendment. Title 13, Section 13.509 under Chapter 5 of the Kosrae
4 State Code is hereby amended to read as follows:

5 “Public nuisance. ~~Public nuisance is committing an act which is injurious to health,~~
6 ~~or indecent, or offensive to the senses, or an obstruction to the free use of property, and~~
7 ~~which interferes with the comfortable enjoyment of life or property by an entire~~
8 ~~community or neighborhood, or by a considerable number of persons; including but not~~
9 ~~limited to excessive noise from defective automobile muffler, loud playing of musical~~
10 ~~instruments or sound systems within residential areas; or an act which obstructs the free~~
11 ~~passage or use, in the customary manner, of any navigable lake, river, bay, stream, canal,~~
12 ~~or basin, or a public park, square, street, or road, or willfully omitting to perform a legal~~
13 ~~duty relating to the removal of a public nuisance.~~

14 (1) . A person commits a public nuisance offence if—

15 (a) the person behaves in—

16 (i) a disorderly way; or

17 (ii) an offensive way; or

1 (iii) a threatening way; or

2 (iv) a violent way; and

3 (b) the person's behaviour interferes, or is likely to interfere, with the peaceful passage or

4 use in a customary manner through, or enjoyment of, a public place of any navigable lake,

5 river, bay, stream, canal or basin by a member of the public.

6 (2) Without limiting subsection (1) —

7 (a) a person behaves in an offensive way if the person uses offensive, obscene, indecent or

8 abusive language; and

9 (b) a person behaves in a threatening way if the person uses threatening language.

10 (3) It is not necessary for a person to make a complaint about the behaviour of another

11 person before a police officer may start a proceeding against the person for a public

12 nuisance offence.

13 (4) Also, in a proceeding for a public nuisance offence, more than 1 matter mentioned

14 in subsection (1) may be relied on to prove a single public nuisance

15 Public nuisance is a category three misdemeanor.”

16 Section 3. Effective Date. This Act takes effect upon the approval of the Governor

17 or upon its becoming law without such approval.

18

19 Date: 11/13/20

Introduced by: 
Andy J. Andrew