BUILDING PERMITS & INSPECTION RULES, REGULATIONS AND FORMS; POLICIES, STANDARD OPERATING PROCEDURES (SOP) AND FORMS

Prepared by: Department of Public Works
BUILDING PERMITS & INSPECTION
RULES, REGULATIONS AND FORMS;
Policies, Standard Operating
PROCEDURES (SOP) AND FORMS

AGUSTIN P. DUENAS, P.E.
Chief of Engineering - CIP'S

BENIGNO M. PALOMO
Director of Public Works
NOTICE

TO: The Public

SUBJECT: Updated Implementation of Rules, Regulations and Forms; Policies, Standard Operating Procedures (SOP) and Forms

For the guidance and compliance of concern, the following Rules and Regulations; Policies, Standard Operating Procedures (SOP) and Forms are hereby promulgated in initial implementation of the provisions of the Director of Public Works Authority Section 31014 and 31015(a), (b), & (c), Section 31042(b) as amended by Public Law 14-112 otherwise known as the Building Law Title XXXII, Government Code of Guam.

1. There shall be an organized "Division of Engineering Personnel" to serve as the Technical Staff of the Director of Public Works in the Administration and Enforcement of the provisions of the Building Law.

2. All Public Works Engineering Division/Section Managers shall serve as Coordinators' support between the Chief of Engineering, CIP(COE) and the office of the Director of Public Works. In behalf of the Chief of Engineering, they shall supervise and monitor the work operations of the Director in the respective areas of jurisdiction.

3. Subject to the approval of the Chief of Engineering, all duly designated Division/Section Manager shall organize their respective offices in such a manner as to be able to attain the goals and objectives and perform their functions and duties under the code.

3.1 For purposes of organizing the office of the Building Permits and Inspection Section and determining the staffing pattern thereof, (Districts) Villages and Municipalities shall be classified and directed by the Building Official (Administrator).

3.2 All positions in the office of the Building Official shall be occupied by qualified available personnel from within the Department of Public Works, Engineering Division. Whenever needed, highly
qualified professional and/or technical personnel shall be done through the Department of Public Works personnel rules and regulations and Operational Procedures Manual, Government of Guam.

4. The processing of Building Permits including the use of the prescribed forms, therefore shall be in accordance with the corresponding rule initially promulgated hereunder pursuant to Section I, Part Two.
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PART ONE

RULES, REGULATIONS AND FORMS
PART ONE

REGULATIONS AND PROCEDURES FOR THE CLEARING AND GRADING OF LAND AND CONSTRUCTION OF BUILDINGS AND OTHER STRUCTURES ON GUAM (PURSUANT TO SECTION 24200 AS AMENDED, 31014 AND 31015 OF THE GOVERNMENT CODE OF GUAM)

I. CODES - GENERAL CONSTRUCTION:

All construction work within the Territory of Guam and under the preview of the Department of Public Works shall be governed by the latest edition of the Uniform Building Code and supplements thereto.

II. GENERAL INFORMATION:

Before applications are made for a building permit, the following information should be read carefully and thoroughly understood. All questions should be directed to the Building Official.

III. ZONE DESIGNATION:

The Territory of Guam is divided into nine zones known as:

"A" Rural Zone
"R1" One-Family Dwelling Zone
"R2" Multiple Dwelling Zone
"P" Automobile Parking Zone
"C" Commercial Zone
"M1" Limited Industrial Zone
"M2" Industrial Zone
"LC" Limited Commercial Zone
"H" Resort Hotel Zone

IV. SETBACKS AND LOT AREA REQUIREMENT:

The required setbacks to the following zones are:
Before a building permit is issued a permit fee shall be paid to the Building Official in accordance with the following schedule based upon the value of the proposed work.

1. A fee for each building permit issued by the Building Official in connection with any work shall be paid to the Treasurer of Guam as set forth in Table 3A of the 1976 Edition of the Uniform Building Code except that the building permit fee for a single family residence shall be one-half (1/2) the applicable fee in Table 3A.
PART TWO

PROCEDURES AND REQUIREMENTS FOR OBTAINING A CONSTRUCTION PERMIT
TO: GRADING PERMIT APPLICANT

Before Grading Application can be reviewed by the Department of Land Management, Guam Environmental Protection Agency and the Department of Public Works, specific plans shall contain at least the following data and information.

I. Drawing Standard:
Sheets size shall not be less than 18" x 24" and not bigger than 30" x 42". Sheet size in plan set must not vary.

II. Civil Requirements:
A. Location Plan
B. Grading Plan
C. Drainage Plan

The subject lot shall be drawn in accordance with an accurate survey map.

Building Official
Building Permits & Inspection
Government of Guam
PART TWO

PROCEDURES AND REQUIREMENTS FOR OBTAINING A CONSTRUCTION PERMIT

I. BUILDING PERMIT APPLICATION PROCESS, PROCEDURES AND REQUIREMENTS:

A permit application, completely filled out on forms furnished by the Department of Public Works, shall be submitted by the builder/owner.

The permit application must be accompanied by at least three (3) complete sets of plans and specifications for the proposed work.

Before specific plans and specifications are reviewed for compliance with the Building Code and other requirements, the plans and specifications shall contain the following as a minimum.

II. PLANS AND SPECIFICATIONS - DRAWING STANDARDS:

A. PLAN SHEET SIZES, DRAWINGS AND SPECIFICATIONS REQUIREMENTS

1. Plan Sheet Size - All plan sheets must have a minimum size of 18"x24" and a maximum size of 30"x42". A set of plans must have a uniform sheet size. Variations of sheet size will not be accepted. Exceptions to these size requirements will be permitted only upon sufficient justification and written approval by the Building Official.

2. Drawings shall be provided with a border lines leaving a one-half inch margin at the top, bottom and right side and a one and one-half inch margin at the left for binding. Drawings shall also contain a title block in the lower right hand corner identifying the project and the names of the owner and the person or firm responsible for the preparation of the plans. All plans, specifications and calculations shall bear the stamp and signature of professional engineer or architect licensed to practice in the Territory of Guam.

3. Specifications - (If not on plan sheets) must be on standard 8 1/2" x 11" size sheets, typed and bound, indicating the exact description of the project.

B. CIVIL REQUIREMENTS

1. Plot Plan - Plans must include a plot plan drawn to scale, completely dimensioned, and must contain the following:

   a). Delineation of property boundaries lot number and zone designation
   b). Delineation of public rights-of-ways, easements access roads (if applicable).
Hydraulic analysis must be submitted in a separate bound report showing computations bearing seal and signature of professional engineer licensed to practice in the Territory of Guam. All necessary drainage plan and profiles, drainage structures and details shall be included in civic drawings. Drainage plan and profile may be required by Hydraulic Engineer. Location of existing and proposed utilities, roads, paved areas on the site.

Location of all existing and proposed drainage channels.

Grade lines of existing and proposed ground surface.

Soil test data must be shown on the plans or in a separate bound soils report. Data must include a log of test holes showing all soil formations encountered and the depth of any ground water.

c). Lot diagram indicating the size and location of the proposed construction and all existing structures on the side and their distances from lot and street lines, the established grade and existing elevations, and final grade elevations of the site shown by contours or spot grades at reasonable intervals.

d). Sewage Disposal Requirements - (Connection to public sewer) If sewage disposal is to be accomplished by connection to public sewer, the project plan must show the following:

(1). Lowest floor elevation
(2). Sewer construction profile to include tapping connection and sizes.
(3). Location, depth and type of on-site existing sewage disposal facility.
(4). Connection details.

e). Individual Sewage Disposal System - (Connection to septic tank and leaching field) If sewage disposal is to be accomplished by an individual sewage disposal system, the plan must indicate the following:

(1). Soil test data.
(2). Disposal system construction detail (as per Guam Environmental Protection Agency, and PUAG Requirements)

NOTE: Location of all property lines must be verified by the Department of Land Management.

2. Grading Plan - Plans must include a grading plan, which may be a part of, or separate from the Plot Plan and must contain the following:

(a). Hydraulic analysis must be submitted in a separate bound report showing computations bearing seal and signature of professional engineer licensed to practice in the Territory of Guam.
(b). All necessary drainage plan and profiles, drainage structures and details shall be included in civic drawings.
(c). Drainage plan and profile may be required by Hydraulic Engineer.
(d). Location of existing and proposed utilities, roads, paved areas on the site.
(e). Location of all existing and proposed drainage channels.
(f). Grade lines of existing and proposed ground surface.
(g). Soil test data must be shown on the plans or in a separate bound soils report. Data must include a log of test holes showing all soil formations encountered and the depth of any ground water.
1. Floor Plan - All spaces must be designated according to use.
2. Exterior elevations
3. Interior elevations
4. Building sections
5. Wall sections
6. Roof plan
7. Detailed drawings necessary to show adequately all architectural elements of the building, including doors, windows, & interior finish schedules, and other details necessary to substantiate all required fire-protection characteristics.

NOTE: Soil test requirements may be waived for one or two family dwellings, or building extensions, if in the opinion of the Building Official such tests are not required for a safe design.

Soil test data must be submitted for projects involving individual sewage disposal systems.

Sewage Treatment Plant - If sewage disposal is to be accomplished by the utilization of a treatment plant, the plans shall contain the following:

1. Site plan
2. Component details
3. Flow diagram of the plant
4. Design criteria
5. Design data indicating organic loading air supply requirements and detention time
6. Sludge disposal scheme
7. Discharge scheme
8. Design analysis

All sewage disposal schemes and plans and specifications must be approved by Guam EPA.

3. Landscape Plans - Shall contain at least the following data and information:
   a). Parking areas and driveways in accordance with zoning requirements.
   b). Patios, terrace and hardstand existing or proposed.
   c). Plant listing - symbols, quantity and sizes; description local and botanical names.
   d). Lighting outdoor, etc.

C. ARCHITECTURAL PLANS - Shall contain at least the following data and information.

1). Floor Plan - All spaces must be designated according to use.
D. STRUCTURAL PLANS - Shall contain at least the following data and information.

1). Foundation plan
2). Roof framing plan
3). Floor framing plan (If two-story or more)
4). Detailed drawings showing sizes, sections, and locations of members and such other information as may be required to indicate clearly all structural elements and structural engineering features
5). Design calculations and analysis

E. MECHANICAL AND PLUMBING PLANS - Shall contain at least the following data and information.

1). Complete mechanical and plumbing plan (floors, isometric, elevations and details)
2). Legend of symbols
3). General notes specifying design criteria for all mechanical and plumbing systems (Required only for multi-family dwelling, commercial, industrial and institutional buildings)
4). Fixture schedule specifying materials to be used (Required only for multi-family dwelling, commercial, industrial and institutional buildings)
5). Buildings with air-conditioning:
   a) Provide energy conservation with calculations according to UBC, Chapter 53. Reflect the insulation required on the drawings.
6). Specifications (Required only for multi-family dwelling, commercial, industrial and institutional buildings)
7). Design Calculations (Required only for multi-family dwelling, commercial, industrial and institutional buildings)
8). Food service equipment (if applicable) (must be approved by the Department of Public Health & Social Services)

F. ELECTRICAL PLANS - Shall contain at least the following data and information.

1). Electrical plan - to include
   a). Lighting plan
   b). Power plan
   c). Communication plan (if commercial or industrial) including fire alarm system (Required only for multi-family dwelling, commercial, industrial and institutional buildings)
2). Service one line diagram
3). Panel schedules
4). General notes specifying design criteria
The Building Official or his authorized representative shall then issue a building permit which must be posted on a conspicuous location at all times.
V. VALIDITY

Section 31030, Building Law, Title XXXII, Government Code of Guam.

a). The issuance of a building permit or approval of plans and specifications shall not be construed to be a permit for, or approval of any violation of the provisions of this law. Any building permit presuming to cancel such provisions or condone such violations shall be entirely invalid and void.

b). The issuance of a building permit after approval of plans, specifications and attached data submitted therewith, shall not prevent the Building Official from thereafter requiring correction of any errors in said plans, specifications and data, nor from prohibiting building operations to be carried on thereunder until said correction is made.

VI. EXPIRATION OF BUILDING PERMIT

Section 31030 (c), Building Law, Title XXXII, Government Code of Guam.

Any building permit shall lapse and be void if the work authorized by it is not commenced within three (3) months after its issuance; or is suspended or abandoned for a period of three (3) months at any time after the work has been commenced; provided, that, for cause, the Building Official may allow up to a maximum of three (3) months each. All such extensions shall be in writing and noted on the building permit and in the building records of the Department of Public Works.

VII. APPROVED PLANS & SPECIFICATIONS

Section 31028, Building Law, Title XXXII, Government Code of Guam. "Approved plans and specifications shall not be changed, modified or altered in any manner affected by the provisions of this or other applicable laws, without express written authorization from the Building Official, and all work shall be done in accordance with the approved plans and specifications.

VIII. INSPECTIONS

The project shall be inspected on regular basis by the inspectors from the Department of Public Works to assure compliance with approved plans and specifications and in accordance with all Public Works building and safety regulations.

Section 31042, Building Law, Title XXXII, Government Code of Guam. "The Building Official shall inspect or cause to be inspected from time to time during the progress of the work thereon, all building structures for work on which a building permit has been issued and is outstanding. A record shall be made of every such inspection and of all violation of the provisions of this Title as discovered by such inspection, and other applicable laws, rules and regulations."
1. After final inspection when it is found that the building or structure complies with the provisions of Uniform Building Code 1976, the Building Official shall issue a Certificate of Occupancy which shall contain the following:

   a). The building permit number
   b). The address of the building
   c). The name and address of the owner
   d). A description of that portion of the building for which the certificate is issued.

IX. STOP WORK ORDERS:

In the event a project is commenced without a building permit or work performed is not in accordance with the approved plans and specifications or any disapproved changes or revision thereto, or unsafe construction practices are continued after sufficient warning by the Building Official or his authorized representatives, a STOP WORK ORDER shall be issued and takes effect until the conflict is resolved.

X. CERTIFICATE OF OCCUPANCY

A. Final Inspection:

After final inspection of the project indicates that the work performed was done in accordance with approved plans and specifications and has met all Government Code of Guam requirements, the Building Official shall issue a Certificate of Occupancy.

B. Section 31033, Building Law, Title XXXII, Government Code of Guam

"No building or structure hereafter erected shall be occupied or used, in whole or in part, until a certificate of occupancy shall have been issued by the Building Official and posted on the premises certifying that such building conforms to the provisions of this Law."

C. Change in Use:

Changes in the character or use of a building shall not be made except as specified in Section 502 of the Uniform Building Code, 1976.

D. Certificate Issued:

1. After final inspection when it is found that the building or structure complies with the provisions of Uniform Building Code 1976, the Building Official shall issue a Certificate of Occupancy which shall contain the following:

   a). The building permit number
   b). The address of the building
   c). The name and address of the owner
   d). A description of that portion of the building for which the certificate is issued.

NOTE: In accordance with Public Works regulations:

1). Schedule of inspection must be made 24 hours in advance and all work must be completely finished.

2). All major construction work such as electrical, plumbing and reinforcement rebars shall not be covered or concealed without first obtaining the approval of the Building Official.
The Certificate of Occupancy shall be posted in a conspicuous place on the premises and shall not be removed except by the Building Official.

e). A statement that the described portion of the building complies with the requirements of this Code for group and division of occupancy and the use for which the proposed occupancy is classified.

f). The name of the Building Official.

E. TEMPORARY CERTIFICATE:

A temporary Certificate of Occupancy may be issued by the Building Official for the use of a portion(s) of a building or structures prior to the completion of the entire building or structure.

F. POSTING:

The Certificate of Occupancy shall be posted in a conspicuous place on the premises and shall not be removed except by the Building Official.
# Application for Permit & Plan Review

## Division of Building Permits

**Important: Applicant must complete all items in sections I, II, III, IV.**

### Section I: Location of Building

- Location
- Street
- Zoning District
- Between
- Street
- Block
- Lot

### Section II: Type and Cost of Building

<table>
<thead>
<tr>
<th>A. Type of Building</th>
<th>Foundation Type</th>
<th>Type of Construction</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐ New Building</td>
<td>☐ Reinforced Wall</td>
<td>☐ Frame</td>
</tr>
<tr>
<td>☐ Renovation Only</td>
<td>☐ Other</td>
<td>☐ Remodeled</td>
</tr>
<tr>
<td>☐ Loan Only</td>
<td>☐ Add</td>
<td>☐ Reconstructed</td>
</tr>
<tr>
<td>☐ Feasibility</td>
<td>☐ Alter</td>
<td>☐ Renovated</td>
</tr>
</tbody>
</table>

### Section III: Ownership

- ☐ Private (individual, corporation, non-profit institution, etc.)
- ☐ Public (Federal, State, or Local Government)

### Section IV: Proposed Use (For "Wrecking" most recent use)

#### Residential
- ☐ One Family
- ☐ Two or more families
- ☐ Garage
- ☐ Carport
- ☐ Other

#### Commercial
- ☐ Office
- ☐ Shop
- ☐ Public building
- ☐ Library
- ☐ School
- ☐ Store
- ☐ Other

### Section V: Proposed Use (For "Wrecking" most recent use)

#### Commercial
- ☐ Office
- ☐ Shop
- ☐ Public building
- ☐ Library
- ☐ School
- ☐ Store
- ☐ Other

### Section VI: Type of Construction

- ☐ Non-Residential
- ☐ Residential
- ☐ Multi-family
- ☐ Single family
- ☐ Other

### Section VII: Proposed Use

- ☐ For new buildings and additions, complete Parts E, F, G, H.
- ☐ For wrecking, complete only Part I, II, III, IV.
DIVISION OF BUILDING PERMITS & INSPECTION
APPLICATION AND PERMIT FOR CLEARING & GRADING

<table>
<thead>
<tr>
<th>Permit Number</th>
<th>Location</th>
<th>Eng. Soils Report</th>
<th>Est. Quantity</th>
<th>Permit Fee</th>
<th>Fee Received</th>
</tr>
</thead>
<tbody>
<tr>
<td>District</td>
<td>Block</td>
<td>Lot</td>
<td>Date Filed:</td>
<td></td>
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</tbody>
</table>

Located at ____________________________

Lot Area ____________________________ Sq. Ft. Acres Overall Dimensions

Description of Soil 

Fill Material ____________________________

Existing Ground ____________________________

Estimated Starting Date ____________ 19__ Estimated Completion Date ____________ 19__

Remarks: ____________________________

Owner ____________________________ Address Phone ____________________________

Engineer ____________________________ Address Phone ____________________________

Contractor ____________________________ Address Phone ____________________________

Date of Application ____________ 19__ Applicant ____________________________

To the Applicant:

Permission is hereby given to do the above work according to the conditions hereon and according to the approval plans and specifications pertaining thereto, subject to compliance with Chapter 20 of the U.B.C. No burning allowed on site unless a burning permit has been issued by the Fire Department.

Remarks: ____________________________

Issued by: ____________________________

To the Applicant:

APPROVED BY: ____________________________

Guam Environmental Protection Agency

Department of Land Management

Building Official Dept. of Public W
DIVISION OF BUILDING PERMITS AND INSPECTIONS
BUILDING INSPECTION SCHEDULE

Owner: ___________________________  Building Permit No. ___________________________
Contractor: ___________________________  Group/Type ___________________________
Location & Lot No.: ___________________________
Schedule Date: ___________________________  Time: ___________________________  Date In: ___________________________

| BUILDING | ELECTRICAL | PLUMBING |
|-------------------------------------------------|
| Pouring Footing | Rough-in | Rough-in |
| Floor Slab | Finished | Finished |
| Roof Slab | Facilities | Facilities |
| Wells | Service | Service |
| Frame | Other | Other |
| Relocation | | |
| Other | | |

Remarks: Explain clearly, the work requiring inspection.

Inspector: ___________________________  Inspector: ___________________________  Inspector: ___________________________
Date & Time: ___________________________  Date & Time: ___________________________  Date & Time: ___________________________

ENDORSEMENT BY GOVERNMENT INSPECTOR

1. certify that all work has been carried / has not been out in compliance with the Building Law, Government of Guam Standards and Projects plans and Specifications.

Building Inspector: ___________________________  Date: ___________________________
Electrical Inspector: ___________________________  Date: ___________________________
Plumbing Inspector: ___________________________  Date: ___________________________

INSTRUCTIONS

This form is to be prepared in three (3) copies, at the building permit reception counter, at least 24 hours in advance.

1. OFFICE COPY - WHITE
2. OWNER'S COPY RETURN TO OFFICE - YELLOW
3. OWNER'S COPY - PINK
TERRITORY OF GUAM

BUILDING PERMIT
CERTIFICATE OF OCCUPANCY

This certificate issued pursuant to the requirements of Section 31033, Building Law, Title XXXII, Government Code of Guam certifying that at the time of issuance this structure was in compliance with the various codes regulating building construction or use.

DATE ____________________ PERMIT NO. ______________

Applicant __________________________ (Contractor) __________________________
Address ____________________________ (No.) __________________________
(Street) ____________________________ (City's License) __________________________

Permit To ____________________________ (Type of Improvement) __________________________
(Proposed Use) __________________________

At ____________________________ (Location) __________________________

Building ____________________________ (Cross Street) __________________________
Box __________________________
(area) __________________________

Building is to be ____________________________ Ft. Wide By ____________________________ Ft. Long By ____________________________ Ft. In Height And Shall Conform In Construction ____________________________

To Type ____________________________ Use Group ____________________________ Environment Walls Or Foundations ____________________________

Certifying ____________________________

Owner ____________________________ (Signature) __________________________
Address ____________________________ Building Official ____________________________
"COMPLAINT REPORT"

Received by ___________________________ Date ___________________________

Name of Complainant ____________________________________________

Address of Complainant ___________________________________________

Name and Address of Owners of Property or Person Responsible __________
____________________________________________________________________
____________________________________________________________________

Nature of Complaint ________________________________________________
____________________________________________________________________
____________________________________________________________________

Inspector Involved _________________________________________________

Date of Investigation & Conditions Found ______________________________
____________________________________________________________________
____________________________________________________________________

Action Taken _______________________________________________________
IN VIEW OF THESE YOU ARE REMINDED THAT IF NO ACTION IS TAKEN WITHIN THE SPECIFIED TIME, THIS MATTER WILL BE REFERRED TO THE ATTORNEY GENERAL'S OFFICE FOR APPROPRIATE ACTION.

Inspector: ____________________________

Phone: 646-58
<table>
<thead>
<tr>
<th>Residential</th>
<th>Commercial</th>
<th>Condominium</th>
<th>Hotel</th>
<th>Government of Guam</th>
<th>Total</th>
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<tr>
<td>Total Permits Issued</td>
<td>Total Const. Cost</td>
<td>Total Permits</td>
<td>Yona, Windward</td>
<td>Banzai, Agana Heights</td>
<td>BP-2007</td>
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<tr>
<td>Yigo, Agana Heights, NC</td>
<td>Ona</td>
<td>Tumon</td>
<td>Harmon, Dededo</td>
<td>Chalan Pago, Ordot</td>
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</table>
CERTIFICATE OF OCCUPANCY IS 0 FOR THE FOLLOWING STRUCTURES FOR THE MONTH OF _______ 19____

<table>
<thead>
<tr>
<th>DATE</th>
<th>NAME</th>
<th>BLDG PERMIT NO.</th>
<th>LOCATION</th>
<th>LOT NO.</th>
<th>BLK NO.</th>
<th>TYP</th>
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# Building Permits & Inspection

## Certification of Permit Condition Compliance

<table>
<thead>
<tr>
<th>Owner</th>
<th>Address</th>
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</thead>
<tbody>
<tr>
<td>Use of Building</td>
<td>Permit Number</td>
</tr>
<tr>
<td>Contractor</td>
<td>License Number</td>
</tr>
</tbody>
</table>

Agencies indicated (checked ☐) below must certify that the finished construction complies with that agency's pre-stated permit conditions. Certifications by all agencies indicated must be acquired before an occupancy permit can be issued by Department of Public Works or before resumption of occupancy can be allowed.

<table>
<thead>
<tr>
<th>Agency</th>
<th>Date</th>
<th>Authorized Signature</th>
</tr>
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<tbody>
<tr>
<td>☐ Department of Land Management</td>
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<td>☐ Public Health &amp; Social Services</td>
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<tr>
<td>☐ Guam Environmental Protection Agency</td>
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<td>☐ Public Utility Agency of Guam</td>
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<td>☐ Guam Power Authority</td>
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<tr>
<td>☐ Department of Public Safety</td>
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<tr>
<td>☐ Fire Prevention Bureau</td>
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<tr>
<td>☐ Contractor's License Board</td>
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</table>
DEPARTMENT OF PUBLIC WORKS
GOVERNMENT OF GUAM

DEPARTMENT OF PUBLIC WORKS

vs.

NOTICE OF DEFENSE

Respondent

Please fill out and return this NOTICE OF DEFENSE to the Director, DPW, within 15 days after the Notice and Accusation are served upon you.

Indicate whether you request a hearing by placing an "X" in the appropriate box.

YES  NO

I request a hearing

Indicate which of the following objections, if any, you wish to make concerning the Accusation against you by placing an "X" in the appropriate box.

1. The Accusation does not state acts or ground upon which the Department may proceed.

2. The form of the Accusation is so indefinite or uncertain that I cannot identify the nature of the alleged charges against me or adequately prepare my defense.

3. I submit the following defense not previously specified here:
BEFORE THE BUILDING OFFICIAL
Government of Guam

RIGHT TO A HEARING AND NOTICE OF DEFENSE

Unless a written request for a hearing signed or on behalf of the person named as the respondent in the accompanying accusation is delivered or mailed to the Building Official within fifteen (15) days after the accusation was personally served on you or mailed to you, the Building Official may proceed upon the accusation without a hearing. If you fail to request a hearing within fifteen (15) days after service upon you of this accusation, that failure will constitute a waiver of your right to a hearing. The request for hearing may be made by delivering or mailing the enclosed form entitled "Notice of Defense" or by delivering or mailing a Notice of Defense as provided in Section 24105 of the Government Code of Guam, Post Office Box 2950, Agana, Guam 96910. (Section 24111 of the Government Code of Guam).

You may be represented by an attorney in these proceedings at no expense to the Building Official or the Government of Guam.

GIVEN UNDER MY HAND THIS ____ day of ____________, 19____

BUILDING OFFICIAL
BEFORE THE BUILDING OFFICIAL
Government of Guam

IN THE CASE OF:
THE BUILDING OFFICIAL

VS.

Respondent(s).

THE BUILDING OFFICIAL TO:
Mr./Mrs./Miss

CASE NO. ______

ACCUSATION AND STATEMENT OF CHARGES

TO WIT: _____________________________________________

_____________________________________________________

_____________________________________________________

_____________________________________________________

_____________________________________________________

in violation of: _______________________________________

_____________________________________________________

_____________________________________________________

which provides as follows: ________________________________

_____________________________________________________

_____________________________________________________

Dated this ______ day of _________, 19

__________________________
Building Official
DEPARTMENT OF PUBLIC WORKS
GOVERNMENT OF GJAM

ELEVATOR INSPECTION CERTIFICATE

<table>
<thead>
<tr>
<th>Activity</th>
<th>Building No.</th>
<th>No. of Passengers</th>
<th>Elevator No.</th>
<th>Make of Elevator</th>
<th>Capacity</th>
</tr>
</thead>
</table>

This Elevator has been inspected and meets ASA Code Requirements.

<table>
<thead>
<tr>
<th>Date of Inspection</th>
<th>Elevator Inspection</th>
<th>Activity</th>
<th>Approved By</th>
<th>Activity</th>
<th>Date of Expiration</th>
</tr>
</thead>
<tbody>
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</tbody>
</table>

POST THIS CERTIFICATE inside Elevator Car.
## REPORT OF ELEVATOR, ESCALATOR & DUMBWAITER SAFETY INSPECTION

As Required by Public Law 12-216

### Name of Premises Equipment Located at:
Elevator #

### Street Address of Above Location:

### Mail Permit to:

### Date of this Inspection:

### PERMIT ISSUANCE or CONTINUATION
RECOMMEND (Answer YES or NO)

<table>
<thead>
<tr>
<th>No. of Equipment</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Owner No.</td>
<td></td>
</tr>
<tr>
<td>2. Manufactured By</td>
<td></td>
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<tr>
<td>3. Manufacturer's Serial No.</td>
<td></td>
</tr>
<tr>
<td>4. Type (Pass., Frgt., etc.)</td>
<td></td>
</tr>
<tr>
<td>5. Max. load/pounds</td>
<td></td>
</tr>
<tr>
<td>6. Max. load/persons</td>
<td></td>
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<tr>
<td>7. Contract speed</td>
<td></td>
</tr>
<tr>
<td>8. No. of floors rise</td>
<td></td>
</tr>
<tr>
<td>9. Is operating permit posted?</td>
<td></td>
</tr>
<tr>
<td>10. Expiration date of permit</td>
<td></td>
</tr>
<tr>
<td>11. Date last test made</td>
<td></td>
</tr>
<tr>
<td>12. Preventive Maintenance</td>
<td></td>
</tr>
</tbody>
</table>

### LIST VIOLATIONS OR RECOMMENDATIONS CITING PARAGRAPH NUMBER OF EITHER NS1. 17.1 or PUBLIC LAW ( ).

<p>| | |</p>
<table>
<thead>
<tr>
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</tbody>
</table>

### Person Contacted:

### Signature of Commissioned Inspector:

### Commissioned #:
## DIVISION OF BUILDING PERMITS & INSPECTIONS

### INSPECTION REPORT

<table>
<thead>
<tr>
<th>Job Address</th>
<th>Type</th>
<th>Group</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Nature of Work</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Use of Building</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Building Permit No</td>
<td>Date Issued</td>
<td></td>
</tr>
<tr>
<td>Owner</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Contractor</td>
<td>Inspector must sign all spaces pertaining to this job</td>
<td></td>
</tr>
</tbody>
</table>

### INSPECTION

<table>
<thead>
<tr>
<th>Foundation</th>
<th>INSPECTION</th>
<th>DATE</th>
<th>INSPECTOR</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
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</tr>
</tbody>
</table>

**Place no concrete until above has been signed**

<table>
<thead>
<tr>
<th>Concrete Slab Floor</th>
<th>INSPECTION</th>
<th>DATE</th>
<th>INSPECTOR</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Electrical (Ground Work)</td>
<td>INSPECTION</td>
<td>DATE</td>
<td>INSPECTOR</td>
</tr>
<tr>
<td>Plumbing (Ground Work)</td>
<td>INSPECTION</td>
<td>DATE</td>
<td>INSPECTOR</td>
</tr>
<tr>
<td>Gas Piping (Ground Work)</td>
<td>INSPECTION</td>
<td>DATE</td>
<td>INSPECTOR</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Do not place concrete until above has been signed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wains</td>
</tr>
<tr>
<td>Roof Slab</td>
</tr>
<tr>
<td>Electrical Rough-in</td>
</tr>
<tr>
<td>Plumbing Rough-in</td>
</tr>
<tr>
<td>Framing</td>
</tr>
</tbody>
</table>

**Cover no work until above has been signed**

<table>
<thead>
<tr>
<th>Lath and Planner (inside)</th>
<th>INSPECTION</th>
<th>DATE</th>
<th>INSPECTOR</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Lath</th>
<th>Scratch Coat</th>
<th>Brown Coat</th>
<th>Finish Coat</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</table>

<table>
<thead>
<tr>
<th>Lath and Planner (outside)</th>
<th>INSPECTION</th>
<th>DATE</th>
<th>INSPECTOR</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</table>

<table>
<thead>
<tr>
<th>Lath</th>
<th>Scratch Coat</th>
<th>Brown Coat</th>
<th>Finish Coat</th>
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</thead>
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<table>
<thead>
<tr>
<th>Miscellaneous</th>
<th>INSPECTION</th>
<th>DATE</th>
<th>INSPECTOR</th>
</tr>
</thead>
<tbody>
<tr>
<td>A/C System</td>
<td>INSPECTION</td>
<td>DATE</td>
<td>INSPECTOR</td>
</tr>
<tr>
<td>Refrigeration</td>
<td>INSPECTION</td>
<td>DATE</td>
<td>INSPECTOR</td>
</tr>
<tr>
<td>Electrical (underground)</td>
<td>INSPECTION</td>
<td>DATE</td>
<td>INSPECTOR</td>
</tr>
<tr>
<td>Others</td>
<td>INSPECTION</td>
<td>DATE</td>
<td>INSPECTOR</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Final</th>
<th>INSPECTION</th>
<th>DATE</th>
<th>INSPECTOR</th>
</tr>
</thead>
<tbody>
<tr>
<td>Electrical</td>
<td>INSPECTION</td>
<td>DATE</td>
<td>INSPECTOR</td>
</tr>
<tr>
<td>Plumbing</td>
<td>INSPECTION</td>
<td>DATE</td>
<td>INSPECTOR</td>
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<tr>
<td>Gas Piping</td>
<td>INSPECTION</td>
<td>DATE</td>
<td>INSPECTOR</td>
</tr>
<tr>
<td>A/C and Ventilation</td>
<td>INSPECTION</td>
<td>DATE</td>
<td>INSPECTOR</td>
</tr>
<tr>
<td>Job Completed</td>
<td>INSPECTION</td>
<td>DATE</td>
<td>INSPECTOR</td>
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</tbody>
</table>

---

**Inspection Completed**

**Inspection Date**

**Inspector**

**Certificate of Compliance**

**Date**

**Building Official**

**Supervisor**

**Inspection Officer**

**For Departmental Use Only**

**Note:** This form is to be used for all building inspections. It is important to record all inspections in detail to ensure the safety and compliance of the building.
<table>
<thead>
<tr>
<th>Destination</th>
<th>Project</th>
<th>Contractor</th>
<th>Group Occupancy</th>
<th>Permit No.</th>
<th>Remarks</th>
</tr>
</thead>
</table>

Inspector ______________________ Date __________
<table>
<thead>
<tr>
<th>OWNER</th>
<th>CONTRACTOR</th>
<th>LOCATION</th>
<th>PERMIT NO.</th>
<th>USE GROUP</th>
<th>PROPOSED USE</th>
<th>CONSTRUCTION COST</th>
<th>PLAN FEE</th>
<th>PERMIT FEE</th>
<th>TOTAL FEES</th>
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<td>MONDAY</td>
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<td>Antonio C. Bayona</td>
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<td>Pedro C. Borja</td>
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<td>Eddie A. Borja</td>
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<td>John A. Camacho</td>
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<td>Mariano C. Carlos</td>
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<td>Anthony M.A. Cruz</td>
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<td>Normita M. De Vera</td>
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<td>Vicente S.N. Mendiola</td>
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<tr>
<td>Jesus Q. Hinata, Sr.</td>
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<td>Rosa A. Reyes</td>
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<td>Juan C. Rosario</td>
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<td>Agaton L. Salcedo</td>
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<td>Jesus T. San Nicolas</td>
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<td>Paul L.G. Reyes</td>
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</tbody>
</table>
Plan checker coordinator shall record plan applications on the log book and indicate the date of completion which the checking should generally be completed. This indication shall be based upon the following schedule:

1. For single family/duplex residential buildings - 3 working days
2. For single story commercial buildings irrespective of area - 6 working days
3. Two story commercial buildings - 9 working days
4. All other structures - Depending upon the amount of checking involved. Plan-check coordinator shall decide.

The following plans shall be sent to the various checking agencies.

1. Complete set to architectural plan checker.
2. Complete set to plumbing and mechanical plan checker.
3. Site layout and grading plan to flood control and highway plan checker.
4. Structural plans to structural plan checker.
5. Electrical plans to electrical plan checker.
I.

TO: Architectural Plan Checkers
Plan Check No. (A)

Structural Plan Checkers
Plan Check No. (B)

Mechanical & Plumbing Plan Checkers
Plan Check No. (C)

Electrical Plan Checkers
Plan Check No. (D)

Hydraulics Plan Checkers
Plan Check No. (E)

Highway Plan Checkers
Plan Check No. (F)

*Discontinued duties of Mr. B. F. Gines: per memo by Chief of Engineering, 9/27/77.

B.P.S. - Denotes that these personnel are located in Building Permit Section.

Architectural Plan checker though assigned with Division of Architectural/Engineering will be responsible to plan check coordinator for their plan check duties.

Plan check coordinator shall transfer plan to various plan checkers through log-book and shall number the plans same as that assigned by the counter inspector with following prefixes:

TO: Architectural Plan Checkers - Plan Check No. (A)
Structural Plan Checkers - Plan Check No. (B)
Mechanical & Plumbing Plan Checkers - Plan Check No. (C)
Electrical Plan Checkers - Plan Check No. (D)
Hydraulics Plan Checkers - Plan Check No. (E)
Highway Plan Checkers - Plan Check No. (F)
<table>
<thead>
<tr>
<th>Use</th>
<th>Front Yrd. Depth</th>
<th>Rear Yrd. Depth</th>
<th>Side Yrd. Depth</th>
<th>Lot Width</th>
<th>Lot Area</th>
<th>Lot Area Per Dwelling Unit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rural</td>
<td>25 ft.</td>
<td>25 ft.</td>
<td>15 ft.</td>
<td>120 ft.</td>
<td>40,000 sq. ft.</td>
<td>10,000 sq. ft.</td>
</tr>
<tr>
<td>R1 Single Family</td>
<td>15 ft.</td>
<td>10 ft.</td>
<td>8 ft.</td>
<td>50 ft.</td>
<td>5,000 sq. ft.</td>
<td>5,000 sq. ft.</td>
</tr>
<tr>
<td>R2 Multiple Family</td>
<td>15 ft.</td>
<td>10 ft.</td>
<td>8 ft.</td>
<td>50 ft.</td>
<td>5,000 sq. ft.</td>
<td>1,250 sq. ft.</td>
</tr>
<tr>
<td>C Commercial</td>
<td>20 ft.</td>
<td>--</td>
<td>--</td>
<td>20 ft.</td>
<td>2,000 sq. ft.</td>
<td>400 sq. ft.</td>
</tr>
<tr>
<td>R1 Light Indus.</td>
<td>20 ft.</td>
<td>8 ft.</td>
<td>8 ft.</td>
<td>50 ft.</td>
<td>5,000 sq. ft.</td>
<td>1,250 sq. ft.</td>
</tr>
<tr>
<td>R2 Heavy Indus.</td>
<td>25 ft.</td>
<td>25 ft.</td>
<td>15 ft.</td>
<td>120 ft.</td>
<td>40,000 sq. ft.</td>
<td>1,250 sq. ft.</td>
</tr>
</tbody>
</table>
| H Hotel Resort Zone | (Conditional Use, See TPC Interim Rules & Regulations dated April...


FOR PLAN REVIEW

Some specific plans and specifications can be reviewed by the implementing agency. They shall ensure the following requirements are met:

1. **Structural Requirements**
   - Scale plans (50% to 1:100)
   - Elevations (in section and plan)

2. **Site Plans**
   - Elevations showing site and building
   - Rank and usages

3. **Building Sections**
   - Rank and usages
   - Elevations showing site and building

4. **Structural Details**
   - Rank and usages
   - Elevations showing site and building
   - Rank and usages

5. **Structural Elements**
   - Raised floor system
   - Raised floor systems
   - Raised floor systems

6. **Electrical Requirements**
   - Lighting plan
   - Power plans

7. **Mechanical Requirements**
   - HVAC systems
   - Plumbing systems

8. **Sanitary Requirements**
   - Sanitary systems

9. **Fire Protection**
   - Fire protection systems

10. **Other**
    - Other systems

Note: If wishes to revise Plan, write Plan Request with drawings.
(d) Temporary Certificate. If the building official finds that no substantial hazard will result from occupancy of any building or portion thereof before the same is completed, he may issue a temporary Certificate of Occupancy for the use of a portion or portions of a building or structure prior to the completion of the entire building or structure.

(e) Posting. The Certificate of Occupancy shall be posted in a conspicuous place on the premises and shall not be removed except by the building official.

(f) Revocation. The building official may, in writing, suspend or revoke a Certificate of Occupancy issued under the provisions of this code whenever the certificate is issued in error, or on the basis of incorrect information supplied, or when it is determined that the building or structure or portion thereof is in violation of any ordinance or regulation or any of the provisions of this code.

<table>
<thead>
<tr>
<th>TABLE NO. 3-A—BUILDING PERMIT FEES</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>TOTAL VALUATION</strong></td>
</tr>
<tr>
<td>$1.00 to $500.00</td>
</tr>
<tr>
<td>$501.00 to $2,000.00</td>
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<tr>
<td>$2,001.00 to $25,000.00</td>
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</tr>
<tr>
<td>$500,001.00 to $1,000,000.00</td>
</tr>
<tr>
<td>$1,000,001.00 and up</td>
</tr>
</tbody>
</table>

Other Inspections and Fees:
1. Inspections outside of normal business hours
   (minimum charge—two hours) $30.00 per hour
2. Reinspection fees assessed under provisions of Section 305 (g)
   (minimum charge—two hours) $30.00 per hour
3. Inspections for which no fee is specifically indicated
   (minimum charge—one-half hour) $30.00 per hour
4. Additional plan review required by changes, additions, or revisions to approved plans
   (minimum charge—one-half hour) $30.00 per hour

*(Or the total hourly cost to the jurisdiction, whichever is the greatest. This cost shall include supervision, overhead, equipment, hourly wages and fringe benefits of the employees involved.*
1. Fee for the Demolition of any Building or Structures shall be Ten ($10.00) Dollars.


3. Fence Permit Valuation

   a). Concrete Retaining Wall $ 24.00 per square foot of wall face.

   b). Hollow or Decorative Blocks $ 24.00 per square foot of wall face.

   c). Wood or Chainlink/Metal $ 12.50 per square foot of wall face.

   d). NOTE: Construction Contract Cost shall be acceptable for valuation.
(a). Building Permit Fees

Section 31047, Public Law 14-112, UBC '76, Section 303.

Building Permit Fees. A fee for each permit issued by the Building Official in connection with any work covered by this Title shall be paid to the Treasurer of Guam. The Building Official shall charge fees as set forth in Table 3A of the 1976 edition of the Uniform Building Code except that the building permit fee for a single family residence shall be one-half (1/2) the applicable fee in Table 3A. The determination of value or valuation under any of the provisions of this Title shall be made by the Building Official. The valuation to be used in computing the permit and the plan-check fees shall be the total value of all construction work for which the permit is issued, as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevator, fire extinguishing system and any other permanent equipment.

Where work for which a permit is required by this Title is started or proceeded with prior to obtaining such permit, the fees specified in Table 3A of the 1976 edition of the Uniform Building Code shall be doubled, but the payment of such doubled fee shall not relieve any persons from fully complying with the requirement of this Title in the execution of the work nor from any other penalties prescribed herein.

(b). Plan-Checking Fees

When the valuation of the proposed construction exceeds $7,000.00 and a plan is required to be submitted by subsection (c) of Section 301, a plan-checking fee shall be paid to the Building Official at the time of submitting the plans and specifications for checking.

Said plan-checking fees for buildings of Group R, Division 3 and M occupancies shall be one-half (1/2) of the building permit fees. Plan-checking fees for all other buildings shall be sixty-five (65%) percent of the building permit fees as set forth in Table No. 3-A.

Where plans are incomplete, or changed so as to require additional plan-checking, an additional plan-check fee shall be charged at a rate established by the Building Official.

(c). Expiration of Plan-Check

Applications for which no permit is issued within 180 days following the date of application shall expire by limitation and plan submitted for checking may thereafter be returned to the applicant or destroyed by the Building Official.
proved plans and specifications, will be corrected to eliminate hazardous conditions.

In lieu of a surety bond the applicant may file a cash bond or instrument of credit with the Building Official in an amount equal to that which would be required in the surety bond.
TABLE NO. 70-A—GRADING PLAN REVIEW FEES

<table>
<thead>
<tr>
<th>Cubic Yards</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>50 or less</td>
<td>No fee</td>
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<tr>
<td>51 to 90</td>
<td>$15.00</td>
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<tr>
<td>101 to 1000</td>
<td>$22.50</td>
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<td>1001 to 10,000</td>
<td>$30.00</td>
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<td>10,001 to 20,000</td>
<td>$45.00</td>
</tr>
<tr>
<td>20,001 to 40,000</td>
<td>$55.00</td>
</tr>
<tr>
<td>40,001 to 100,000</td>
<td>$117.00</td>
</tr>
</tbody>
</table>

Other Fees:
Additional plan review required by changes, additions, or revisions to approved plans (minimum charge—one-half hour) $90.00 per hour

TABLE NO. 70-B—GRADING PERMIT FEES

<table>
<thead>
<tr>
<th>Cubic Yards</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>50 or less</td>
<td>$15.00</td>
</tr>
<tr>
<td>51 to 90</td>
<td>$22.50</td>
</tr>
<tr>
<td>101 to 1000</td>
<td>$22.50</td>
</tr>
<tr>
<td>1001 to 10,000</td>
<td>$117.00</td>
</tr>
<tr>
<td>10,001 to 20,000</td>
<td>$220.00</td>
</tr>
<tr>
<td>20,001 to 40,000</td>
<td>$420.00</td>
</tr>
<tr>
<td>40,001 to 100,000</td>
<td>$556.25</td>
</tr>
</tbody>
</table>

Other Inspections and Fees:
1. Inspections outside normal business hours (minimum charge—one-half hour) $100.00 per hour
2. Reinspection fees assessed under provisions of Section 305 (g) (minimum charge—one-half hour) $100.00 per hour
3. Inspections for which no fee is specifically indicated (minimum charge—one-half hour) $100.00 per hour

The fee for a grading permit authorizing additional work in lieu of the original work shall be the difference between the permit fee for the original permit and the fee shown for the permit requested.

The total hours used in the jurisdiction, whichever is the greater. The fee shown is for supervision, overhead, equipment, hourly wages and fringe benefits of the employees involved.
1. Excavation and Grading Fees
   (Chapter 70 Uniform Building Code, Latest Edition)

   a). Grading Permit Fees
       A fee for each grading permit issued by the Building Official shall be paid to the Treasurer of Guam as set forth in Table No. 70-B of the 1976 Edition of the Uniform Building Code.

   b). Plan-Checking Fee
       Before plans and specifications are accepted for checking, a plan-checking fee shall be paid to the Treasurer of Guam which plan-checking fee shall only be applicable if grading exceed more than fifty cubic yards as set forth in Table No. 70-A of the 1976 Edition of the Uniform Building Code.
MEMORANDUM

TO: Sewer Connection Applicants
FROM: Chief of Engineering - CIP's
SUBJECT: Permits and Inspections Requirements for Sewer Connection

Based on previous meeting with the SEPA and PUAG staff concerning uniform procedures for public sewer connections to existing buildings, the following shall be followed in processing of such sewer connections:

1. The processing of permit applications for sewer connection shall be under the overall administrative control and supervision of the Building Official. In processing an application for sewer connection, the Building Official shall follow the procedure prescribed in rules and regulations for applications and issuance of permits and licenses, Department of Public Works, Government of Guam, dated December 23, 1977.

2. As a minimum, a construction plan must initially be submitted to the Division of Building Permits and Inspection indicating the following:
   a) Plot plan.
   b) Floor plan of building indicating all wastewater outlets.
   c) Sewer construction profile to include tapping connection.
   d) Location, depth and type of on-site existing sewage disposal facility.
   e) Plan for removal and disposal of the existing facility after connection to public sewer.

3. The construction plans shall be routed through the Division of Architectural/Engineering Services for review of highway crossing/encroachment requirements. Applicant must obtain a highway encroachment permit if required.

4. The construction plans shall be submitted to the following agencies for further action as noted below:
   a. Public Utility Agency of Guam
      1. Application for sewer connection.
      2. Availability of sewer and certification.
b. Guam Environmental Protection Agency

1. Plan-checking for GEPA clearance. GEPA is primarily concerned with satisfactory demolition and removal of the existing system.
2. Conditions and certification.

5. A construction permit shall be issued to the applicant after all review is completed and all other necessary permits are obtained.

6. The inspection responsibilities of the various agencies during and after the sewer construction are as follows:

1. PUAG - Inspection of house lateral connection into the main line.

2. GEPA - Verification of satisfactory demolition and removal of existing disposal system and verification that all wastewater outlets from the house are connected to the house lateral.

3. DPW - a) Implementation and enforcement of code.
   b) Maintain records of inspection and correspondence on certified copies from PUAG and GEPA.

Please ensure that these procedures are followed henceforth on all sewer connections to existing buildings. Review of sewer connections to new buildings shall continue as part of the building permit application process for the building.

[Signature]

APPROVED BY:

[Signature]

CARL J.C. AGUON
Director
CONSTRUCTION PERMIT

I. 1. PERMIT APPLICATION
   a) Residential
   b) Commercial
   c) Clearing and Grading

2. Permit application must be completely filled out by contractor/owner.

3. Application must be accompanied with at least four (4) complete sets of plans and specifications for the proposed work.

II. 1. REVIEW PROCEDURE
   a) Building Permit application will be reviewed.

2. Agencies may include the following:
   a) Guam Environmental Protection Agency
   b) Department of Land Management
   c) Department of Agriculture
   d) Public Utility Agency of Guam
   e) Guam Power Authority
   f) Guam Fire Department
   g) Department of Public Health & Social Services
   h) Guam Housing & Urban Renewal Authority
   i) U.S. Army Corps of Engineers
   j) Contractors Licensing Board

3. BUILDING PERMIT WILL ISSUE CONTROL NUMBER FOR APPLICATION.

4. BUILDING APPLICATION & PLANS WITH SPECIFICATIONS IS SUBMITTED TO DESIGN & ANALYSIS FOR PLAN REVIEW.
   a) If needed D/A's plan coordinator will take plans to Highway Encroachment Section and ROW Section, Division of Highways.

5. AFTER PLAN REVIEW, D/A's PLAN COORDINATOR TRANSMITS THE APPROVED OR DISAPPROVED PLAN TO BUILDING PERMIT.
   a) Disapproved plans and specifications is returned to contractor/owner for corrections.
   b) After correcting the plans and specifications, the contractor/owner must resubmit plans and specifications to DPW.
   c) Approved plans is returned to Building Permit to be stamped "APPROVED."

6. BUILDING PERMIT FEES IS PAID AT CASHIER.
7. BUILDING PERMIT OFFICIAL SIGNS APPLICATION.

8. ISSUANCE OF BUILDING PERMIT TO APPLICANT.

9. RECORD FILES
   a) One (1) set of plans to Building Permit
   b) One (1) set of plans to owner
   c) One (1) set of plans to contractor
   d) One (1) set of plans to Revenue & Taxation
BUSINESS LICENSE

I. APPLICANT OBTAINS BUSINESS LICENSE FROM REVENUE & TAXATION
   1. Business License Application will be reviewed by other Government Agencies
      a) Department of Land Management
      b) Fire Department
      c) Department of Public Health
      d) Department of Revenue & Taxation

   2. Business License Application is reviewed by Public Works' Building Permit officials.

II. NEED INSPECTION ON NEW AND OLD BUILDINGS: SCHEDULE FOR INSPECTION

III. DPW INSPECTORS INSPECT BUILDINGS FOR SAFETY

   1. Building must meet code requirements.
      a) Building code requirement
      b) Electrical code requirement
      c) Plumbing code requirement
      d) Zoning requirement

   2. Application is approved if building meets building code requirements.
      a) Application is given to applicant for correction if application is disapproved
      b) Applicant resubmits the application for schedule of re-inspection
      c) Application is approved if no inspection is required

IV. BUSINESS LICENSE APPLICATION IS APPROVED BY DEPARTMENT OF PUBLIC WORKS

V. APPLICANT IS ISSUED BUSINESS LICENSE BY REVENUE & TAXATION
INSPECTION

I. INSPECTION
Contractor/Owner Request for Inspection
a) Building inspector schedules inspection
b) Request must be made 24 hours in advance

II. TYPE OF INSPECTION
1. BUILDING
   a) Footing
   b) Floor Slab
   c) Roof Slab
   d) Walls
   e) Frame
   f) Relocation
   g) Others

   ELECTRICAL
   a) Rough-in
   b) Finished
   c) Facilities
   d) Service
   e) Other

   PLUMBING
   a) Rough-in
   b) Finished
   c) Facilities
   d) Service
   e) Other

III. CONTRACTOR/OWNER MUST CONFORM WITH APPROVED PLANS

IV. BUILDING INSPECTOR APPROVES INSPECTIONS
1. Inspector makes report on inspections for building inspector supervisor's review
2. If contractor/owner does not conform with approved plan
   a) Issues warning citations for corrective measures on construction site
   b) Issues Stop Work Order
3. Contractor/Owner corrects citations/discrepancies within said sites construction.
   a) Contractor/Owner requests for inspection
   b) Request must be made 24 hours in advance
   c) Inspector makes report on inspections for building inspector supervisor's review
   d) Building inspector approves inspections

V. RECORDS ON FILE
CERTIFICATE OF OCCUPANCY

I. CERTIFICATE OF OCCUPANCY
   1. Contractor/Owner must fill up certificate of occupancy application
   2. Certificate of Occupancy must be together with building inspection report

II. BUILDING MUST MEET BUILDING CODE REQUIREMENTS
   1. Building must be in good living condition and utilities
      a) Water                        b) Power

III. FINAL INSPECTION
   1. Building
   2. Electrical
   3. Plumbing

IV. BUILDING MEETS BUILDING CODE REQUIREMENTS PASS FINAL INSPECTION

V. FINAL INSPECTION IS PASSED - CERTIFICATE OF OCCUPANCY IS ISSUED

VI. POSTING OF CERTIFICATE OF OCCUPANCY

VII. RECORDS ON FILE
HOUSE NUMBERS

I. DPW - NEW HOUSES, COMMERCIAL BUILDINGS, OR BUILDINGS NOT FOUND IN THE OFFICIAL STREET ADDRESS MAPS
   1. Applicant request for house number
   2. Building Official request for registered property map, site plan and other information
   3. Field inspection required to verify location of buildings
   4. Building Official plots the building in the official street address maps
   5. Issuance of number according to the house numbering manual
   6. Record house number in logbook
   7. Coordinates with Design/Analysis for up-dating of the official street address maps
   8. Note: Temporary house number can only be given out if a street has not been named, consult with D/A person-in-charge of official street address map

II. COMMISSIONER - EXISTING BUILDING
   1. Customer shall go to their village commissioner to get the official house number of existing house or building.
TITLE XIX
Subdivision Law

Chapter I. General Provisions.
II. Procedure for Subdividing Land.
III. Lot Parcelling and Agricultural Subdivisions.
IV. Requirements for Plans and Maps.
V. Improvements.
VI. Variances and Appeals.
VII. Penalties, Amendments, Interpretation and Separability.

CHAPTER I

General Provisions

§ 18000. Title.
§ 18001. Purpose and intent.
§ 18001.5 Decedents' estates.
§ 18002. Definitions.
§ 18003. Authority of the Commission.
§ 18004. Commission approval.
§ 18005. General requirements for subdivisions.

§ 18000. Title. This Title shall be known as "The Subdivision Law." [Enacted 1952; repealed and added by P.L. 6-134, effective December 18, 1962.]

§ 18001. Purpose and intent. The purpose of this Title and of any rules, regulations, specifications and standards adopted, promulgated or amended pursuant to this Title, is to control and regulate the development and/or subdivision of all land in the county for any purpose whatsoever. Such control and regulation is determined to be necessary to provide for the orderly growth and harmonious development of the territory, to provide an adequate means of transportation and public utilities, to ensure adequate protection for water supply, drainage, sanitary sewerage and other health requirements, to permit the conveyance of land by a court or a private party, to provide access to and from public streets, to encourage the development of land for residential, commercial, business, institutional or other public purposes, to provide for the protection of the public health, safety, morals, and welfare, to conserve and protect the natural beauty and resources of the area, and to facilitate the orderly adjustment of land use compatibly with the public welfare.

§ 18001.5. Decedents' estates. In the case of a decedent who dies intestate or whose estate is subject to the provisions of the Uniform Probate Code, any subdivision, resubdivision, or amendment of a subdivision or resubdivision which is not approved by the Commission shall become void as of the date of such death. Upon approval, such subdivision, resubdivision or amendment shall be valid and effective as if it were done at the time of such death in accordance with the provisions of the Uniform Probate Code.

§ 18002. Definitions. For purposes of this Title, the following terms shall have the meanings given them below:

1. "Subdivision" means the division or redivision of land into two or more parcels of land, for land use other than a dwelling lot.

2. "Resubdivision" means the division or redivision of land into two or more parcels of land, for land use other than a dwelling lot.

3. "Parcel" means a piece or portion of land resulting from a subdivision or resubdivision.

4. "Dwelling lot" means a parcel of land that is intended to be used solely for residential purposes.

5. "Public street" means a street, road, or way provided for public use and not owned or controlled by the United States Government.

6. "Private street" means a street, road, or way that is owned or controlled by a private person or entity.

7. "Principal street" means the main street or road that serves as the primary route of access to a subdivision.

8. "Perimeter street" means a street or road that encloses a subdivision.

9. "Service street" means a street or road that provides access to a subdivision for utilities, streets, or other public purposes.

10. "Utility easement" means a right-of-way easement that is provided for the purpose of providing utilities or services to a subdivision.

11. "Surveying" means the process of determining the location and boundaries of land.

12. "Engineering" means the process of designing and constructing public infrastructure.

13. "Planning" means the process of developing a comprehensive plan for the development of a subdivision.

§ 18003. Authority of the Commission. The Commission is hereby given authority to promulgate rules and regulations for the purpose of implementing the provisions of this Title.

§ 18004. Commission approval. No subdivision or resubdivision shall be approved by the Commission unless the Commission has determined that the subdivision or resubdivision is consistent with the purposes and provisions of this Title.

§ 18005. General requirements for subdivisions. All subdivisions and resubdivisions shall comply with the requirements of this Title and of any rules, regulations, specifications and standards adopted pursuant to this Title.
§ 18002. Definitions. The following words and phrases, when used herein, shall have the meaning respectively hereinafter ascribed to them, except where a different meaning may be clearly indicated by the context:

(a) "Agricultural Subdivision" shall mean a subdivision having no lots, parcels or sites smaller than forty thousand (40,000) square feet and in which all lots, parcels or sites are used principally for agriculture, or, single family residence sites or as an agriculture-based community, except that the term "agricultural subdivision" shall include a subdivision resulting from a division by the Court pursuant to Section 19001.1(e) or Section 19001.5(b) of this Title with no lots, parcels or sites smaller than ten thousand (10,000) square feet and in which all lots, parcels or sites are used principally for agriculture, single family sites or as an agricultural homestead combination.

(b) "Commission" shall mean the Territorial Planning Commission.

(c) "Easement" shall mean a grant by the owner of land for a specified use or uses of said land to a person or persons, to the public generally, or to the government of Guam.

(d) "Engineer" shall mean a person who is registered pursuant to Title XLIII, Government Code of Guam, as an Engineer, and holds a current certificate of registration issued by the Board of Engineering and Architectural Examiners or a person exempted under the provisions of said Title XLIII.

(e) "Improvements" shall mean any beneficial or valuable site additions or alterations to a subdivision property including street grading and surfacing, water service, sanitary sewers, facilities provided for drainage and site grading.

(f) "Non-Access Reservations" shall mean the limiting of access between a right of way and the adjacent land. (A non-access reservation shall be provided only when required by the Commission and the right of access to and from such land across the right-of-way boundary shall be dedicated to the government of Guam)

(g) "Plan, General" shall mean the general plan or plans for guiding the physical development of the Territory of Guam as adopted by the Commission and approved by the Governor.

(h) "Plan, Precise" shall mean the detailed plan or plans for guiding and controlling the physical development of specific projects as adopted by the Commission and approved by the Governor.

(i) "Planning Division" shall mean the Planning Division of the Department of Land Management.

(j) "Record Map" shall mean the final subdivision map designed to be placed on record in the Land Records of the Department of Land Management.

(k) "Reservation" shall mean an area of land which the subdividers reserve free and clear of all structures for future specified purpose.

(l) "Resubdivision" shall mean the resubdividing of land in a subdivision or lot parceling subdivision or portions thereof so as to create a new or different subdivision or a portion thereof than is presently of record, and shall include modifications to lot lines, the creation of one or more additional lots or any other action of land division which is not consistent with the recorded subdivision or lot parceling subdivision map.

(m) "Reversion to Acreage" shall mean the resubdivision of a previous subdivision in order to revert the platted lots contained therein back to the original parcel or parcels which existed prior to the subdivision.

(n) "Rights of Way" shall include the entire width between property lines of a highway, street or alley.

(o) "Sanitation Division" shall mean the Sanitation Division of the Department of Public Health and Social Services.

(p) "Subdivider" shall mean the act of creating a subdivision.

(q) "Subdivision" shall mean any individual, firm, association, syndicate, corporation, trust or any other legal entity proceeding to effect a subdivision of land for himself or another.

(r) "Subdivision" shall mean the division of any parcel of land into six (6) or more lots. Subdivision shall include resubdivision and reversion to acreage and, where appropriate to context, relates to the process of subdividing or to the land subdivided regardless of the method used to accomplish such action, whether by sale, design, rent, lease, deed of gift, grant in gift or any other method of transferring title whether for remuneration or not and whether immediate or future.

(s) "Subdivision, Lot Parceling" shall mean the division of a lot legally existing on the effective date of this Title into no more than five (5) parcels. Lot parceling of a lot shall include all methods of subdivision whether by sale, design, rent, lease, deed of gift, grant in gift or any other method of transferring title whether for remuneration or not and whether immediate or future.
(t) "Surveyor" shall mean a person who is registered pursuant to Title XLIII, Government Code of Guam, as a land surveyor, and holds a current certificate of registration issued by the Board of Engineering and Architectural Examiners or a person exempted under the provisions of said Title XLIII.
(u) "Tentative Map" shall mean a preliminary subdivision map for the purpose of showing the design of a proposed subdivision and the existing conditions in and around it.
(v) "Territorial Planner" shall mean the Chief of Planning Division, Department of Land Management, government of Guam.
(w) "Territorial Surveyor" shall mean the person designated as the Territorial Surveyor by the Director of Land Management. [Enacted 1952; repealed and added by P.L. 6-134, effective December 18, 1962; (o) amended by editor pursuant to P.L. 7-101, effective July 11, 1964, and P.L. 9-147, effective February 16, 1968.]

§ 18003. Authority of the Commission. The Commission shall have jurisdiction and cognizance of all matters relating to subdividing and subsequent development of land within the territory. The Commission shall prescribe and adopt such rules and regulations, which shall include, but not be limited to, specifications and standards for development of subdivisions, as are, in its judgment, necessary to effectuate the purposes and intent of this Title. Such rules and regulations may provide for delegation of functions of review and inspection of proposed, tentative and final plans and maps, and of subdivisions, to other agencies and departments of the government. Such rules and regulations shall become effective upon approval by the Governor. [Enacted 1952; repealed and added by P.L. 6-134, effective December 18, 1962.]

§ 18004. Commission approval. No subdivision map presented for filing as a record in the Department of Land Management shall be recorded without the prior approval of the Commission. The Commission shall not approve the record map of a subdivision unless such map conforms to all the requirements of this Title and any applicable rules, regulations, specifications or standards adopted by the Commission. No subdivider shall subdivide any land except in accordance with this Title, or sell, lease or assign, or offer for sale, a subdivision or a proposed subdivision or any part thereof, or any lot, parcel or site therein until the record map has been officially recorded. [Enacted 1952; repealed and added by P.L. 6-134, effective November 15, 1962.]

§ 18005. General requirements for subdivisions. In all subdivisions presented for recording under this Title, the subdivider shall:
(a) Not subdivide or develop land for any purpose contrary to the provisions of the Zoning Law, Title XVIII, Government Code of Guam.
(b) Cause every lot to abut a roadway right of way having a minimum width of forty (40) feet, except that the Commission may, where circumstances warrant, permit the subdivider to utilize roadway rights-of-way less than forty (40) feet but in no case less than twenty (20) feet in width. [Subparagraph (b) amended by P.L. 10-157, effective July 3, 1970.]
(c) Except as may be provided pursuant to § 21208.3, Title XXII, Government Code of Guam, provide for the installation of power, water and telephone lines, fire hydrants, roads and highways within the subdivision in accord with any general or precise plan approved by the Commission.
(d) Where an established framework of local streets exists, provide for the uniformity of street widths and alignment thereto with the streets of the subdivision, and for the continuation of existing street names.
(e) Provide for adequate light, air and privacy on all lots regardless of land use, and design the location of streets to prevent excessive grading and scarring of the landscape.
(f) Provide sufficient drainage of the land to provide reasonable protection against flooding.
(g) Provide that streets within residential areas shall not be planned for through traffic in order to insure privacy and safety. [Added by P.L. 6-134, effective December 18, 1962.]
CHAPTER II

Procedure for Subdividing Land

§ 18100. Application to establish subdivision. A subdivider desiring to subordinate or develop land pursuant to this Title shall make a written application therefor on a form prescribed by the Commission. The application shall be filed with the Territorial Planner and shall be accompanied by tentative subdivision plans prepared in accordance with § 18300 of this Title. [Enacted 1952; repealed and added by P.L. 6-13, effective December 18, 1962.]

§ 18101. Fees. The application shall be accompanied by a uniform check fee of ten dollars ($10.00) plus one dollar ($1.00) for each final lot shown on the subdivision. Such fee shall not be returned in the event the application is not approved. [Enacted 1952; repealed and added by P.L. 6-134, effective December 18, 1962.]

§ 18102. Review of tentative plans. The Territorial Planner shall within three (3) days after receipt of such application transmit copies of the tentative plans to departments and agencies of the government to which have been delegated responsibility for technical review. Such agencies and departments shall review the plans and transmit their written findings and recommendations to the Territorial Planner within fifteen (15) days after receipt of such plans. [Enacted 1952; repealed and added by P.L. 6-134, effective December 18, 1962.]

§ 18103. Action by Commission. After review, the tentative subdivision plans shall be transmitted to the Commission at its next regularly scheduled meeting by the Territorial Planner, together with all findings and recommendations. The Commission shall thereupon either approve, conditionally approve, or disapprove the plans. When a tentative plan is disapproved, it may not thereafter be reconsidered unless modified and a new application filed. [Enacted 1952; repealed and added by P.L. 6-134, effective December 18, 1962.]

§ 18104. Submission of final plans. Within one (1) year after approval of tentative subdivision plans, the subdivider shall file with the Territorial Planner the final plans prepared in accordance with § 18301 of this Title. The final plans shall be accompanied by a written application for approval thereof in a form prescribed by the Commission [Enacted 1952; repealed and added by P.L. 6-134, effective December 18, 1962.]

§ 18105. Final plans approval and recordation. The Territorial Planner shall review final plan documents as submitted for conformity to the approved tentative plans. At the next regularly scheduled Commission meeting no less than two (2) days following receipt of final plans, the Territorial Planner shall present the plans to the Commission for action. Final plans submitted in strict compliance with approved tentative plans shall be approved. Final plans which are not in strict compliance with approved tentative plans shall, within fifteen (15) days, be approved or a written determination made specifying work necessary for subdivision completion prior to final Commission approval. After approval by the Commission of the final plan map, the subdivider shall record said map in accordance with Article IV, Chapter II, Title XIV, Government Code of Guam. [Enacted 1952; repealed and added by P.L. 6-134, effective December 18, 1962.]
§ 18106. Reversion to acreage, maps and plats. When a reversion to acreage is made, no tentative plans shall be required. The subdivider shall prepare a final map showing the existing subdivision and the original parcel or parcels which shall result from the reversion. No engineering plans shall be required. Upon approval of the final map the map may be completed and submitted as a record plat. No Parcel surveys shall be required. The plat shall be clearly marked "reversion to acreage" and any variance from the requirements of a subdivision record plat shall be as determined by the Commission. The fee or other interest in any subdivision improvements, easements or road rights of way within the perimeter of the subdivision which has been dedicated to the government may be quitclaimed to the subdivider at the discretion of the government. [Enacted 1952; repealed and added by P.L. 6-134, effective December 18, 1962.]

§ 18107. Building permits. The Director of Public Works or his designated building official shall issue no building or construction permits for any development within the subdivision or lot parcelling until the tentative plans have been approved, nor issue individual building permits until the record map has been recorded. The Territorial Planner shall notify the Director of Public Works in writing of the approval of the final plans and of the recordation of the record map immediately after such approval is given and after such recording is completed. [Enacted 1952; repealed and added by P.L. 6-134, effective December 18, 1962.]

§ 18108. Revocation of tentative plans. The Commission shall not consider or approve final plans for a subdivision which are submitted after one (1) year, or after any extension of time granted by the Commission during such year, following approval of tentative plans. [Enacted 1952; repealed and added by P.L. 6-134, effective December 18, 1962.]

Chapter III
Lot Parcelling and Agricultural Subdivisions

§ 18200. General. The requirements of Chapter II and Chapter V of this Title shall not apply to lot parcelling subdivisions and agricultural subdivisions. [Enacted 1952; repealed and added by P.L. 6-134, effective December 18, 1962.]

§ 18201. Application to establish lot parcelling or agricultural subdivisions. A subdivider desiring to parcel lots or subdivide land for agricultural purposes shall make a written application therefor on a form prescribed by the Commission. The application shall be filed with the Territorial Planner and shall be accompanied by the original and two (2) copies of a survey map prepared in accordance with § 18204 of this Title. [Enacted 1952; repealed and added by P.L. 6-134, effective December 18, 1962.]

§ 18202. Lot parcelling approval. Within fifteen (15) days following receipt of an application to establish a lot parcelling or agricultural subdivision, the Territorial Planner shall approve, conditionally approve, or disapprove the application, or shall submit the application to the Commission for its action. The Territorial Planner or Commission may as conditions of approval require street and utility easement reservations and require modifications to the map to insure lot divisions consistent with the general plan and with provisions of § 18400 of this Title. The Territorial Planner or Commission shall disapprove the subdivision if adopted standards of subdivision cannot be maintained. The applicant may appeal any decision of the Territorial Planner to the next regularly scheduled meeting of the Commission. There shall be no fees required for lot parcelling or agricultural subdivisions for the checking of plans or maps. [Enacted 1952; repealed and added by P.L. 6-134, effective December 18, 1962.]
§ 18203. Parcelling map recordation. Upon final approval of a lot parcelling or agricultural subdivision map by the Territorial Planner or Commission, the subdivider shall record the map in conformity with Article IV, Chapter II, Title XIV, Government Code of Guam, which map shall not be effective until recorded. [Enacted 1952; repealed and added by P.L. 6-134, effective December 18, 1962.]

§ 18204. Survey required for parcelling map. The lot parcelling map shall be prepared by a surveyor and shall show all survey and mathematical data necessary to locate and retrace all lines thereon, including bearings and distances of straight lines and radii, arc and tangent lengths for all curves. Any area reserved for utility easements, access easements, and future street areas, and other public improvements, shall be clearly delimited and designated. The survey map shall be endorsed as to its accuracy and for its conformity to standard surveying practice by the Territorial Surveyor. [Enacted 1952; repealed and added by P.L. 6-134, effective December 18, 1962.]

§ 18205. Resubdivisions. Resubdivisions of regular or lot parcelling subdivision shall be initiated and acted upon subject to the procedures of the Chapter, provided, however, that resubdivisions involving six (6) or more lots or resubdivisions requiring subdivision improvements shall be initiated and acted upon as a new subdivision in accordance with the provisions of Chapter II of this Title. [Enacted 1952; repealed and added by P.L. 6-134, effective December 18, 1962.]}

CHAPTER IV
Requirements for Plans and Maps

§ 18300. Form of tentative plans.
§ 18301. Form of final plans.

§ 18300. Form of tentative plans. Tentative plans will include six (6) copies of a subdivision map, two (2) copies of a statement of intent by subdivider, and two (2) copies of subdivision improvement plans.
(a) The subdivider shall cause the tentative subdivision map to be prepared by an engineer or surveyor. The map shall be clearly and legibly drawn on one or more sheets having dimensions of twenty-two inches (22") by twenty-nine inches (29"). The scale of the map shall be as prescribed by the Commission and the map shall generally include:
(1) The tract number as issued by the Territorial Planner.
(2) The name and address of the owner or owners of record, of the subdivider and of the person preparing the map.
(3) Date, north arrow and scale.
(4) A key map locating the subdivision in relation to surrounding areas.
(5) The exact length and bearing of the exterior boundaries of the subdivision which data shall be referenced to the "Guam Geodetic Triangulation Control Net" or such alternative system of triangulation control as the Territorial Surveyor may direct.
(6) The accurate placement and outline of structures existing on the site.
(7) The location, names, and existing widths of adjacent street rights of way.
(8) The location and dimensions of all known existing easements and reservations.
(9) The location of existing utilities, sewers, drainage ditches and other drainage facilities located in, or adjacent to, the proposed subdivision.
(10) The lot numbers and lines of all adjacent parcels of land.
(11) The location, width and direction of flow of all water courses within the subdivision area.
(12) Topography with contour intervals of two feet (2') where the ground slope is five percent (5%) or less or contour intervals of five feet (5') where the ground slope is more than five percent (5%).
(13) The location and widths of all existing or proposed streets in the subdivision.
(14) The approximate lot layout and approximate lot dimensions of each lot.
(15) Areas intended to be reserved for public use.

(b) The statement of the subdivider shall include a resume of the improvements proposed to be made in the subdivision, the existing zone and district applicable to the property, proposed use or uses of the subdivision lots and, in the absence of zoning, the proposed setback requirements for individual property development.

(c) Subdivision improvement plans shall include:

(1) Drainage construction plans including, but not limited to, planned

(2) Water and sewer line plans showing pipe sizes, routing, grade, pressure regulation and point of origin.

(3) A drainage plan showing methods and facilities for collection and disposal of storm waters. The storm drainage disposal area or channel must have a demonstrated ability to accept additional water in view of capacity of channel and of capacity of existing improvements confining the channel.

The tentative plan shall be prepared in sufficient detail for analysis by the Commission as to sufficiency and most suitable location. The Commission may require the submission of detailed construction drawings as subdivision work is initiated to permit detailed analysis of construction conformity to law and the rules and regulations of the Commission, and to facilitate improvement inspections. [Enacted 1952; repealed and added by P.L. 5-134, effective December 18, 1962.]

§ 10301. Form of final plans. The final plan submitted for approval shall include a map of the subdivision and a final survey of improvements as installed:

(a) The map of the subdivision shall be prepared by and engineer or surveyor in accordance with the following:

(1) The final map shall be clearly and legibly drawn on opaque black ink on good quality tracing paper or cloth acceptable to the Territorial Planner. Signatures shall be in opaque black ink. The size of each sheet shall be twenty-two by twenty-nine inches (22" x 29"). A marginal line shall be drawn around each sheet, leaving an entirely blank margin of one inch (1").

(2) The scale of the map shall be as prescribed by the Commission and shall show all details clearly, with enough sheets used to accomplish this purpose. The map shall be so made and shall be in such condition when filed that good, legible prints can be made therefrom.

(3) The map shall contain the tract number in letters no less than one-half (1/2)" in height, north directional point, map scale and date of final survey.

(4) The following certificates shall be placed on the first sheet of the map in a form prescribed by the Commission:

(a) Dedication or street, easements and other parcels of land intended for public use by the owner.

(b) Acknowledgment of dedication for certification by a Notary Public.

(c) Acceptance of dedication to be signed by the Governor.

(d) Certification by the surveyor making the map (record plat) that the map is correct and accurate and that the monuments described thereon have been so located.

(e) Limited access dedication where a nonaccess reservation is used to restrict access. The map shall be lettered "Vehicular access rights dedicated to the government of Guam" along the thoroughfare adjacent to the lots affected.

(f) Endorsement of Territorial Surveyor.

(g) Approval by the Commission.

(h) Certificate of recordation.

In addition, the map shall be accompanied by statements concerning any proposed deed restrictions or covenants.

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(b) As part of the final plan, the subdivider shall submit a copy of an as-built drawing of all subdivision improvements. The details of the as-built drawing shall show, but not be limited to, locations of post and rail placement, signs and other placement, all water lines, drainage measures, streets, street curbs and similar constructed utilities. The as-built drawing shall be to specifications satisfactory to the Commission. [Added by P.L. 6-137, effective December 18, 1962.]

CHAPTER V
Improvements
§ 18400. Required improvements.
§ 18401. Utilities extensions - planned areas.
§ 18402. Utilities extensions - unplanned areas.
§ 18403. Time allowed for completion of improvements.

§ 18400. Required improvements. The subdivider shall provide the following improvements and improvement areas within time limits specified by the Commission:
(a) Street and Alleys - Planned areas. Where general plans have been or are hereafter duly adopted and show an area as planned for development into urban uses, the following street and alley improvements shall be required:
All streets and alleys within the subdivision shall be graded and drained the full width of the right of way. The roadbed portion of the right of way shall be improved with a stabilized coral base and surfaced with a light bituminous surface treatment having a minimum width of twenty-two feet (22'). The roadway centerline gradient and right-of-way cross-section including drainage ditches, traveled roadway design and paving and shoulders shall be in conformity to criteria established by the Commission.
Permanent sidewalks having a minimum width of four feet (4') shall be laid out for all streets and shall be dedicated to the government of Guam. The Commission shall establish criteria relating to width and construction of such sidewalks, and all such sidewalks shall be in conformity thereto. [Added by P.L. 11-139, effective April 26, 1972.]
(b) Street and Alleys - Unplanned Areas. Where at the time of a subdivision a general plan has not been adopted or where the general plan designates the area as agricultural, the following street and alley improvements will be required:
All streets and alleys within the subdivision shall be graded and drained the full width of the right of way. The roadbed portion of the right of way shall be improved with a stabilized coral base. The roadway centerline gradient and right-of-way cross-section including drainage ditches, travelled roadway design and paving and shoulders shall be in conformity to criteria established by the Commission.

(c) Storm Drains. Drainage facilities shall be provided in all subdivisions in accordance with plans prepared by the subdivider conforming to criteria established by the Commission. These facilities shall be designed to dispose of normal storm water falling on the subdivision without hazard of flooding, the erosion of public or private land.
(d) Domestic Water. Potable domestic water shall be piped onto each lot within the subdivision. Water pipes shall be new and so sized to supply normal household pressures.
(e) Sanitary Sewage Disposal. When sanitary sewers are provided in a subdivision, they shall be in conformity to plans prepared by the subdivider satisfactory to the Commission. When sewers are placed within a subdivision, the minimum permissible lot size shall be as determined by the applied zoning district, or in the absence of zoning, shall be not less than seven thousand (7,000) square feet. In subdivisions where sanitary sewers are not provided, the minimum permissible lot size shall be determined by the slope and characteristics of the subdivision soil and subsoil but in no event shall be less than established by the applied zoning district, or in the absence of zoning, seven thousand (7,000) square feet. Determination of lot size shall be made on the basis of soil percolation tests made in conformity to standards adopted by the Commission. Lot sizes, including area and minimum widths and depths shall be related to the ability of the subdivision lands to accept the anticipated septic tank effluent whereby no sanitary problem will be created. The Commission shall establish criteria relating lot sizes, soil percolation tests and required rates of seepage, and all lots created after the enactment of this Title shall conform thereto.
(f) Survey Monuments. Permanent concrete monuments shall be installed at all point of direction change in the subdivision perimeter and in the exterior lines of blocks. [enacted 1952; repealed and added by P.L. 6-137, effective December 18, 1962.] 1-32
§ 18401. Utilities extensions—planned areas. Where general plans have been duly adopted and show an area as planned for development into urban uses, the following development criteria will apply for subdivisions within the area so delineated:

(a) Road extensions. Where roads must be extended from existing roads in order to gain suitable access to a subdivision, the subdivider shall negotiate with the property owners involved and acquire rights of way to width and alignment approved by the Commission. The subdivider shall improve such access road or roads the same as he improves the interior subdivision road.

(b) Power, water mains, and fire hydrants may be installed by the Public Utility Agency in accordance with § 21208.3, Government Code of Guam.

(c) The subdivider shall provide sashes for all utility extensions to the satisfaction of the Commission, and acceptable to the Public Utility Agency. [Enacted 1952; repealed and added by P.L. 6-134, effective December 18, 1962.]

§ 18402. Utilities extensions—unplanned areas. In areas where general plans have not been adopted but where water, electrical facilities and roads exist within or adjacent to a planned subdivision area, the criteria of § 18401 will be applicable. In unplanned areas where water service, electric service or public roads are not immediately available, the government shall not supply any utility or road extension to make the same suitable for development. [Enacted 1952; repealed and added by P.L. 6-134, effective December 18, 1952.]

§ 18403. Time allowed for completion of improvements. Upon approval of the tentative subdivision plan by the Commission, the subdivider shall complete within one (1) year all of the improvements required, except that the Commission, for good cause shown, may authorize an extension of time, not to exceed twelve (12) months, for such completion. Within such time, the subdivider must either:

(a) Complete required improvements and, upon acceptance thereof, file his final plans; or

(b) Furnish bond acceptable to the Commission for the completion of improvements, the bond to be in penal sum of one hundred fifteen per cent (115%) of total work costs as verified by the Director of Public Works. On approval of the bond, the final plans may be filed. [Added by P.L. 6-134, effective December 18, 1962.]

CHAPTER VI
Variance and Appeals

§ 18500. Petition for variances.
§ 18501. Variance subdivisions.
§ 18502. Unit development.
§ 18503. Judicial review.

§ 18500. Petition for variances. The Commission, on its own initiative, or upon the petition of any subdivider stating fully the grounds of the application and all the facts relied upon by the subdivider, may grant variances to the regulations of the Commission. Such petition shall be filed with the tentative plan of the subdivision. In the event the Commission shall find the following facts with respect to the petition for a variance, it may grant a variance under such terms and conditions as it may prescribe:

(a) That there are special circumstances or conditions affecting said property.

(b) That the variance is necessary for the preservation and enjoyment of a substantial property right of the subdivider.

(c) That the granting of the variance will not be materially detrimental to public welfare or injurious to other property in the area in which said property is situated.

(d) That the variance, if granted, will conform with the intent and purpose of the general or precise plan for the territory, and of this Title. [Enacted 1952; repealed and added by P.L. 6-134, effective December 18, 1962.]

§ 18501. Variance subdivisions. The Commission shall have the authority to review any prior division of parcels of land, whether for the purpose of lot parcelling or the establishment of a subdivision, presented to the Department of Land Management for recording as a subdivision under the provisions of this Title. The Commission may require the subdivider or owner to modify the arrangement, to improve access rights of way and easements, or to modify
the size and shapes of lots and other improvements as a condition precedent to record the presentation as a subdivision. The decision of the Commission shall be final. [Added by P.L. 6-134, effective December 18, 1962.]

§ 18502. Unit development. The standards and requirements of this Title may be modified by the Commission in the case of a plan and program for a new town, a complete community, or a neighborhood unit, which in the judgment of the Commission provides adequate public spaces and improvements for the circulation, recreation, light, air, and service needs of the tract when fully developed and populated, and which also provide such deed restrictions or other legal provisions as will assure conformity to and achievement of the plan. [Added by P.L. 6-134, effective December 18, 1962.]

§ 18503. Judicial review.
(a) Any order of the Commission shall become effective when notice thereof is delivered to the party or parties affected and, unless proceedings for judicial review are instituted as provided for in Subsection (b) of this section, shall become final at the expiration of thirty (30) days thereafter.
(b) If the decision of the Commission is not in accordance with law or is not supported by substantial evidence, the same may be set aside through an action instituted in the island court brought by the party affected thereby. The subdivider shall not subdivide any land, or sell, lease, or offer for sale, any subdivision or proposed subdivision, or any part thereof, or any lot, parcel or site therein, or commence or continue construction or any improvement relating thereto during the pendency of such action.
(c) Review by the court shall be limited to the record procured before the Commission and, if the decision of the Commission is not according to law or supported by substantial evidence, the court shall return the matter to the Commission for further action in accordance with the evidence. [Added by P.L. 6-134, effective December 18, 1962.]

CHAPTER VII
Penalties, Amendments, Interpretation and Separability

§ 18600. Violation penalties.
§ 18601. Separability.
§ 18602. Repeal.

§ 18600. Violation penalties.
(a) Any individual agent, partnership, firm, association, corporation or other legal entity violating any of the provisions of this Title shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than that five hundred dollars ($500.00) for each offense. Such individual agent, partnership, firm, association, corporation or other legal entity shall be deemed guilty of an offense for each day or portion thereof in which any violation is committed, continued or permitted, and shall be punishable as herein provided for each such day or portion thereof.
(b) The imposition of any sentence made under this section shall not exempt the offender from compliance with the requirements of this Title. [Repealed and added by P.L. 6-134, effective December 18, 1962.]

§ 18601. Separability. If any section, subsection, sentence, clause, phrase or portion of this Title is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Title. The Legislature hereby declares that it would have passed and does hereby pass this Title and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses, phrases, or portions thereof, be declared invalid. [Repealed and added by P.L. 6-134, effective December 18, 1962.]

§ 18602. Repeal. All Acts or parts of Acts which are inconsistent with the provisions of this Title are hereby repealed to the extent of such inconsistency. [Original Chapter 7, consisting of §§ 18600-18606, as added by P.L. 5-142, effective September 8, 1960, repealed by P.L. 6-134, effective December 18, 1962.]
AN ACT

An Act to add a new subparagraph (b) to Section 18005 of the Government Code of Guam relative to requiring the developer of a subdivision to provide adequate public access to recreational lands.

Be it enacted by the People of the Territory of Guam:

Section 1. Statement of Legislative Finding. The Legislature finds there is a great need for the establishment and preservation of public access to many areas in the territory. There are miles of coastal shorelines and water under the jurisdiction of the territory which are inaccessible to the public due to the absence of public rights-of-way; the absence of public rights-of-way is a contributing factor to acts of hostility against private shoreline properties; the population of the island is increasing while the new accessible beach and shoreline areas remain fixed; and the absence of public access to Guam’s coastal shorelines constitutes an infringement upon the fundamental right of free movement in public space and of access to and use of the sea. The Legislature further finds that urbanization also may prevent or impede public access to hill and jungle lands which have areas for hiking, hunting, fruit picking and other recreational purposes.

Section 2. Section 18005 of the Government Code of Guam is amended by the addition of a new subparagraph (b) to read as follows:

"(b) In cases where public access is not already provided, dedicate land for public access by right-of-way for pedestrian travel from a public highway or public street to abutting lands below the high-water mark on any coastal shoreline, and to dedicate land for public access by right-of-way from a public highway or public street to abutting public lands in the hills and jungle so that lands shall be accessible for hiking, hunting, fruit picking and other recreational purposes.

The right-of-way shall be clearly designated on the final map of the subdivision or development upon the dedication of land for a right-of-way as required by this Subparagraph and acceptance by the territory, the territory shall thereafter assess the cost of improvements for and the maintenance of the right-of-way, and the subdivider shall accordingly be relieved from such costs."

Section 3. This Act shall have immediate effect and shall apply to the plan of any subdivision or development which has not been approved prior to the date of this act shall take effect.

Approved October 22, 1975.
Guam Territorial Seashore Protection Act of 1974

§ 13410. Short title
§ 13411. Findings
§ 13412. Definitions
§ 13413. Commission creation, membership and compensation
§ 13414. Conflict of interest
§ 13415. Powers and duties
§ 13416. Commission and responsibilities
§ 13417. Permit permit control
§ 13418. Penalties
§ 13419. Severability
§ 13420. Authorization for appropriation

§ 13410. This Chapter may be cited as the Guam Territorial Seashore Protection Act of 1974.

§ 13411. The people of the territory of Guam hereby find and declare that the Guam Territorial Seashore Reserve is a distinct and valuable natural resource belonging to all the people of Guam and existing as a delicately balanced ecosystem; that the permanent protection of the natural, scenic, and historical resources of the seashore reserve is a paramount concern to the present and future residents of this island; that in order to promote the public safety, health, and welfare, and to protect public and private property, wildlife, marinelife, and other ocean resources, and the natural environment, it is necessary to preserve the ecological balance of the seashore reserve and prevent its deterioration and destruction; that it is the policy of this territory to preserve and protect the resources of the seashore reserve for the enjoyment of the present and succeeding generations, and that to protect the seashore reserve, it is necessary:
(a) To study the seashore reserve to determine the ecological planning principles and assumptions needed to ensure conservation of its resources;
(b) To prepare, based upon such study and in full consultation with all affected governmental agencies and departments, private interests and the general public, a comprehensive, coordinated, enforceable plan for the orderly, long-range conservation, management and development of the seashore reserve;
(c) To ensure that any development which occurs in the seashores' reserve during the study and planning period will be consistent with the objectives of this Chapter;
(d) That the Board of Directors, Territorial Seashore Protection Commission, is hereby charged with the responsibility of implementing the provisions of this Chapter.

§ 13412. Definitions. (a) "Commission" means Guam Territorial Seashore Protection Commission. (b) "Board" means the Board of Directors of the Commission. (c) "Seashore reserve" means that land and water area of the territory of Guam extending seaward in the ten fathom contour, including all islands within the territory's jurisdiction, and extending inland from the mean high water line for a distance on a horizontal plane of one hundred meters. (Amended by P.L. 13-209, effective January 18, 1976.) (d) "Development" means, on land, in or under water, the placement or construction of any solid material or structure; discharge of disposal of any dredged material or of any gas, steam, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision of land and any other division of land including lot splitting; change in the intensity of use of water, ecology related thereto, or of access thereto; construction or reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility, and the removal of major vegetation. (e) "Improved residential property" means a detached, noncommercial residential dwelling, the construction of which was begun before September 1, 1972, together with as much of the land on which the dwelling is situated, the said land being in the same ownership as the dwelling, as the Commission shall designate to be reasonably necessary for the enjoyment of the dwelling for the sole purpose of noncommercial residential use, together with any structures accessory to the dwelling which are situated on the land so designated. (f) "Person" includes any individual, organization, partnership, and corporation, including any utility and any agency of federal, territorial, and local government. (g) "Plan" means the Guam Seashore Reserve Plan. (h) "Sea" means the Pacific Ocean or the Philippine Sea.
(c) Commission members shall serve without compensation except that each member shall be paid a per diem of Fifty Dollars ($50) for each day's attendance at a meeting of the Commission. Each member shall also be allowed actual expenses incurred in the discharge of his duties.

§ 13414. Conflict of Interest. (a) No member of the Commission or employee of the Commission shall participate, in any official capacity whatever, in any proceeding, hearing, application, request for ruling or other official determination, judicial or otherwise, in which any of the following has a financial interest: the member or employee himself, his spouse, his child, his partner, any organization in which he is then serving or has, within two (2) years prior to his selection or appointment to or employment by the Commission, served in the capacity of officer, director, trustee, partner, employer or employee, any organization within which he is negotiating for or has any arrangement or understanding concerning prospective partnership or employment.

(b) In any case within the coverage of this section, the prohibitions herein contained shall not apply if the person concerned advises the Board in advance of the nature and circumstances thereof, including full public disclosure of the facts which may potentially give rise to a violation of this article, and obtains from the Board a written determination that the contemplated action will not adversely affect the integrity of the Commission. Any such determination shall require the affirmative vote of two-thirds of the members of the Board.

(c) Any person who violates any provision of this section shall, upon conviction, and for each such offense, be subject to a fine of not more than Ten Thousand Dollars ($10,000) or imprisonment for not more than two (2) years, or both.

§ 13416. Powers and duties. The Board may:
(a) Accept grants, contributions, and appropriations;
(b) Employ and fix the compensation, in accordance with law, of such professional, clerical and other employees as may be necessary;
(c) (1) Through coordination and assistance with other government departments and agencies, acquire lands, waters, and interests therein with the boundaries of the seashore reserve, by donation, purchase with donated or appropriated funds, by exchange for government land, or transfer, All property owned by the Territory of Guam within the seashore reserve is hereby dedicated for the purpose of this Chapter.

(2) With respect to improved residential property acquired for the purposes of this Chapter, which is beneficially owned by a natural person and which the Board determines can be continued in that use for a limited period of time without undue interference with the administration, development, or public use of the coastal reserve, the owner thereof may on the date of its acquisition by the Commission retain a right of use and occupancy of the property for non-commercial residential purposes for a term, as the owner may select, ending either (a) at the death of the owner or his spouse, whichever occurs later, or (b) not more than twenty-five (25) years from the date of acquisition. Any right so retained may during its existence be transferred or assigned. The Commission shall have paid to such owner the fair market value of the property on the date of such acquisition, less the fair market value on such date of the right retained by the owner.

(3) The Board may terminate a right of use and occupancy retained pursuant to this subsection upon a determination that such use and occupancy is being exercised in a manner not consistent with the purposes of this Chapter, and upon tender to the holder of the right an amount equal to the fair market value of that portion of the right which remains unexercised on the date of termination;

(d) Contract for any professional services if such work or services cannot satisfactorily be performed by its employees;

(e) Be sued and may obtain any remedy to restrain violations of this Chapter. Upon the request of the Commission, the Attorney General shall provide necessary legal representation;

(f) Adopt any regulations or take any action it deems reasonable and necessary to carry out the provisions of this Chapter, but no regulations shall be adopted without a prior public hearing.

§ 13418. Commission responsibilities. The Commission shall:
(a) Elect a chairman;
(b) Appoint an Administrator who shall not be a member of the Commission and who shall have the responsibility for the administration of this Act under the supervision of the Commission;
(c) Prepare, adopt and submit to the Legislature for implementation the Guam Seashore Reserve Plan.

(1) The plan shall be based on detailed studies of all the factors that significantly affect the seashore reserve.

(2) The plan shall be consistent with all of the following objectives: (a) The maintenance, restoration, and enhancement of the overall quality of the seashore reserve environment, including, but not limited to, its amenities and aesthetic values.

(b) The continued existence of optimum populations of all species of living organisms.
(c) The orderly, balanced utilization and preservation, consistent with sound conservation principles, of all living and non-living seashore reserve resources.
(d) Avoidance of irreversible and irrevocable commitments of seashore reserve resources.
(e) Public access for maximum visual and physical use and enjoyment of the seashore reserve by the public.
(f) The plan shall consist of such maps, text and statements of policies and objectives as the Commission determines are necessary.

(a) The plan shall contain at least the following specific components:
(b) A precise, comprehensive definition of the public interest in the seashore reserve.
(c) Ecological planning principles and assumptions to be used in determining the suitability and extent of allowable development.
(d) A component which includes the following elements:

(1) A land-use element.
(2) A conservation for the preservation and management of the scenic and other natural resources of the seashore reserve.
(3) A public access for maximum visual and physical use and enjoyment of the coastal reserve by the public.
(4) A recreation element.
(5) A population element for the establishment of maximum desirable population densities.
(6) An educational or scientific use element.
(d) Reservations of land or water in the seashore reserve for certain uses, or the prohibition of certain uses in specific areas.
(e) Recommendations for the governmental policies and powers required to implement the plan including the organization and authority of the governmental agency or agencies which should assume permanent responsibility for its implementation.
(f) Publication of objectives, guidelines, and criteria for the collection of data, the conduct of studies, and the preparation of recommendations for the plan within six (6) months after its first reading.

(a) Prepare its definitive conclusions and recommendations, including recommendations for areas that should be reserved for specific uses or within which specific uses should be prohibited, which it shall, after public hearing, adopt and submit to the Legislature no later than January, 1976.
(b) On or before December 1, 1975, adopt the coastal reserve plan and submit it to the Legislature for its adoption and implementation. [Amended by P.L. 12-210, effective January 23, 1973.]

§ 13417. Intertidal permit control
(a) General provisions.
(1) On or after June 1, 1974 any person wishing to perform any development within the seashore reserve shall obtain a permit authorizing such development from the Commission, and, if required by law, from any other governmental department or agency. No permit shall be issued without the affirmative vote of a majority of the Board members. [Amended by P.L. 12-210, effective January 23, 1973.]

(b) Any person shall be issued unless the Board has first found:
(a) That the development will not have any substantial adverse environmental or ecological effect, and
(b) That the development is consistent with the purpose and objectives of this Chapter.

The applicant shall have the burden of proof on all issues.
(c) All permits shall be subject to reasonable terms and conditions in order to ensure that:

(a) Access to beaches, recreation and historical areas, and natural resources is increased to the maximum extent possible by appropriate dedication.
(b) There is no substantial interference with or destruction from the line of sight toward the sea from the territorial highway nearest the coast.
(c) Adequate and properly located public recreational areas and wildlife preserves are reserved.
(d) Provisions are made for solid and liquid waste treatment, disposition, and management which will minimize adverse effects upon coastal resource areas.
(e) Alterations to existing land forms and vegetation, and construction of structures shall cause minimum danger of floods, landslides, erosion or siltation.
(f) If prior to the effective date of this Chapter, a building permit has been issued, no person who has obtained a vested right therewith shall be required to secure a permit under this section, provided that no substantial changes may be made in any such development, except in accordance with the provisions of this Chapter. Any such person shall be deemed to have such vested rights if, prior to April 1, 1973 he has in good faith and in reliance upon the building permit diligently commenced construction and performed substantial work and materials necessary thereof.
(6) Notwithstanding any provision in this section to the contrary, no permit shall be required for the following types of development:
(a) Repairs and improvements not in excess of Seven Thousand Five Hundred Dollars (7,500) to existing single-family residences; provided that the agency shall specify by regulation those classes of development which involve a risk of adverse environmental effect and may require that a permit be obtained.
(b) Maintenance dredging of existing navigation channels or moving dredged material from such channels to a disposal area outside the coastal reserve, pursuant to a permit from the United States Army Corps of Engineers.
(c) Permit procedure.
(1) The Board shall prescribe the procedures for permit applications and may require a reasonable filing fee and the reimbursement of expenses.
(2) The Board shall give written public hearing. Such hearing shall be held no less than twenty-one (21) nor more than ninety (90) days after the date on which the application is filed.
(3) The Board shall act upon an application for permit within sixty (60) days after the conclusion of the hearing.
(4) Any person including an applicant for a permit, aggrieved by the decision of the Board shall have a right to judicial review of such decision or action by filing a petition for a writ of mandamus, pursuant to § 1094 et. seq. of Civil Procedure Code of Guam within sixty (60) days after such decision is made.
(5) Any person may maintain an action for declaratory and equitable relief to enjoin violations of this chapter. A bond shall be required for an action under this subsection.
(6) Any person may maintain an action for the recovery of civil penalties provided in § 13418.
(7) The provision of this section shall be in addition to any other remedies available at law.
(8) Any person who prevails in a civil action brought to enjoin a violation of this Chapter or to recover civil penalties shall be awarded his costs, including reasonable attorneys fees.

§ 13418. Penalty. (a) Any person who violates any provision of this chapter shall be subject to a civil fine not to exceed Ten Thousand Dollars (10,000).
(b) In addition to any other penalties, any person who performs any development in violation of this Chapter shall be subject to a civil fine not in excess Five Hundred Dollars ($500) per day for each day in which such violation persists.

§ 13419. Severability. If any provision of this chapter or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the chapter which can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

§ 13420. Authorization for appropriation. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this chapter. (Chapter V-A, § 13410-13420, added by P.L. 15-104, effective March 11, 1974.)

Public Law 13-52
Thirteenth Guam Legislature
(Bill 413)


Be it enacted by the People of the Territory of Guam:

Section 1. Section 13413 of the Government Code of Guam (P.L. 12-108) is hereby repealed and a new Section 13413 is hereby enacted to read as follows:

"Section 13413, Commission Creation Membership and Compensation. (a) There is hereby created a Guam Territorial Seashore Protection Commission (hereinafter referred to as the "Commission"), consisting of the seven members of the Territorial Planning Commission and the member shall hold office so long as they remain members of the Territorial Planning Commission.

(b) Commission members shall serve without compensation except that each member shall be paid $5.00 per day for Twenty-Five Dollars ($25.00) for each full day's attendance at a meeting of the Commission. Each member shall be allowed actual expenses incurred in the discharge of his duties."

AN ACT

An Act to add a new Subsection (g) to Section 31003 and to repeal and reenact Subparagraph (c) of Section 13412 of the Government Code relative to emergency repairs of buildings.

Statement of Legislative Findings: The Legislature finds that Typhoon Pamela has destroyed or damaged hundreds of buildings within the Territory of Guam. While governmental regulation of construction by means of building permits is normally a desirable function of government, the Legislature finds that in this typhoon-caused emergency, the speedy repair of buildings out-weighs any possible disadvantage in the temporary suspension of construction regulations.

Be it enacted by the People of the Territory of Guam:

Section 1. A new Subsection (g) is added to Section 31003 of the Government Code to read:

"(g) If at any time Guam or any part of it shall be declared a disaster area by the President of the United States, no person shall be required to make application or give notice to the Building Official in order to make such repairs as may be necessary to restore a dwelling immediately prior to the incident which resulted in the disaster declaration and, provided further, such dwelling was made uninhabitable as a result of the incident which resulted in a disaster declaration. This subparagraph shall not preclude the government from exercising its police power to condemn or require vacation of any structure when it is determined that the continued occupancy or use of such a structure poses a threat to the public health, safety or welfare.

The authority given by this subparagraph to make emergency repairs in the event of a declaration of disaster shall be valid only for a period of ninety (90) days subsequent to the issuance of the declaration of disaster by the President of the United States."

Section 2. Subparagraph (c) of Section 13412 of the Government Code is repealed and reenacted to read:

"(c) 'Seashore Reserve' means that land and water area of Guam extending seaward to the one fathom contour, including all islands within the Government's jurisdiction except Cabelas Island and those Villages wherein residences have been constructed along the shoreline prior to the effective date of the Seashore Act, and extending inland to the nearer of the following points:

(1) From the mean high water line for a distance on a horizontal plane of ten (10) meters.

(2) From the mean high water line to the inland edge of the nearest public right-of-way.""

Section 3. Section 1 of this Act shall be retroactively effective to the date of issuance of the declaration of Guam as a typhoon disaster area by the President of the United States.

Overridden

July 7, 1976.
This order shall be effective upon approval of the Governor and upon filing of said Order with the Legislative Secretary of the Guam Legislature.

Signed and promulgated at Agana, Guam this 2nd day of FEBRUARY, 1978.

RICARDO J. BORDALLO
Governor of Guam

COUNTERSIGNED:

RUDOLPH G. SABLAN
Lieutenant Governor
These rules and regulations apply to those land and water areas delineated as Wetland Areas of Particular Concern on an official map of wetlands as approved by the Territorial Planning Commission and retained by the Departments of Land Management, Parks and Recreation, Public Works, Agriculture, the Bureau of Planning, the Guam Environmental Protection Agency, and Public Utilities Agency of Guam, Government of Guam. Those wetland areas too small to be precisely delineated on the official map of wetlands shall...
be listed and at the request of SDRC, verified by on-site field inspection by the Department of Agriculture's Division of Aquatic and Wildlife Resources or other government agencies, as determined appropriate by the SDRC. If there is question as to whether a proposed development or activity is within an officially designated wetland and therefore subject to these rules and regulations, the Director of the Department of Agriculture shall determine if the developments occurring only partially within a designated or recognized wetland APC shall be subject to these rules and regulations. These rules and regulations supplement all other provisions of law relating to land use and shall remain in effect until such time as amended by the Territorial Planning Commission. These rules and regulations shall apply to all developments on Government of Guam or private lands. Compliance with these rules and regulations should precede submittal of applications for permits from the U.S. Army Corps of Engineers for development within wetlands. However, issuance of a permit for development within a wetland by the Territorial Planning Commission shall not preclude the U.S. Army Corps of Engineers from denying an application for development within such wetland area under Section 404 of the Federal Water Pollution Control Act, as amended.

Section II. DEFINITIONS

1. Area of Particular Concern (APC): A specifically designated geographic area where the presence of unique or significant natural resources, geologic constraints, hazards or other exceptional geographic characteristics warrants and requires the application of extraordinary regulatory or management measures in order to insure the retention of such exceptional qualities or to insure the health, safety and welfare of the general public.
2. **Wetland**: Those areas that are inundated by surface or ground water with a frequency sufficient to support and under normal circumstances does or would support a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction. Wetlands generally include swamps, marshes, mangroves, natural ponds, surface springs, estuaries and similar such areas.

3. **Development**: Means the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision of land and any other division of land including lot parcelling; change in the intensity of use of water, ecology related thereto, or of access thereto; construction or reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility, and the removal of significant vegetation.

4. **Environmental Impact Assessment (EIA)**: A detailed description of a proposed action including: Information and technical data adequate to permit a careful analysis of environmental, economic and social impacts; discussion of the probable impact on the environment and any direct or indirect consequences that may result from the action; any adverse effects that cannot be avoided; alternatives to the proposed action that might avoid some or all of the adverse environmental effects; assessment of the cumulative long-term effects of the proposed action including its relationship to short-term use of the environment in comparison with long-term productivity and irreversible or irretrievable commitments of resources.
5. **Aquaculture Facility:** A facility for the culture or commercial production of aquatic plants and animals for food sales and distribution.

6. **Threatened and Endangered Wildlife:** Species of plants and animals: 1) determined by the Department of Agriculture's Division of Aquatic and Wildlife Resources to be of such limited numbers as to be in immediate danger of extinction or reduction to a critically low population level on Guam if faced with continued habitat reduction or alteration, or 2) so designated by the U.S. Department of Interior's Fish and Wildlife Service on the latest list of "Endangered and Threatened Wildlife and Plants."

7. **Commission:** means the Territorial Planning Commission.

8. **"Industrial" "Commercial" and "Residential" Development:** means such development as described under the Zoning Law, Title XVIII, Government of Guam as permissible uses under, respectively, the "M1" and "M2", "C", and "R1 and R2" zones.

Section III. **PROCEDURES FOR DEVELOPMENT WITHIN DESIGNATED WETLAND AREAS OF PARTICULAR CONCERN**

A. Before issuance of any permit for development within a wetland APC, a tentative plan for the proposed development shall be submitted to the Territorial Planner including a thorough description of the proposed development and the following specific information:

1. The name and address of the owner or owners of record, of the developer and of the person preparing the map.

2. Date, north arrow and scale.

3. A key map locating the development in relation to surrounding areas.

4. The exact length and bearing of the exterior boundaries of the development which data shall be referenced to the "Guam Geodetic Triangulation Control Network" or such alternative system of triangulation control as the Territorial Surveyor may direct.
5. The accurate placement and outline of structures existing on the site.
6. The location, names, and existing widths of adjacent street right-of­way.
7. Topography with contour intervals of two feet.
8. The location and dimensions of all known existing easements and reservation.
9. The location of existing utilities and drainage facilities located within or adjacent to the proposed development.
10. The approximate layout and approximate dimensions of each structure, facility, or use proposed within the development.
11. Areas intended to be reserved for public use.

B. A tentative plan of the proposed development shall be prepared in sufficient detail so as to permit its complete analysis by the Commission. The tentative plan for any project other than a single-family dwelling unit shall include a schedule indicating the approximate dates when construction or development stages are planned to begin and be completed. The Commission, or Territorial Planner at the request of another government agency or department, may require submittal of detailed construction drawings and/or preparation of an EIA for analysis prior to issuance of any clearing, grading, building, or other permits.

C. A performance bond or undertaking may be required by the Commission for any development undertaken pursuant to an approved tentative plan within a wetland. The amount of the bond shall be one hundred and ten percent (110%) of the infrastructure costs of the project, and not less than two thousand dollars ($2,000). The entire bond or any undertaking of any portion thereof shall be forfeited as determined by the Commission for failure to comply with any
F. The Commission shall either approve, including approval with conditions, or disapprove in whole or in part the proposed tentative development plan. Upon receipt of approval by the Commission for development within the wetland, the applicant should apply for such other permits as may be required by the Federal Government.
G. If a field inspection by relevant local or federal agencies concludes that the development has not adhered to all applicable rules and regulations, or conditions imposed by the Commission, the Attorney General shall take such action as necessary to ensure compliance with such requirements. Penalties for violation of these regulations shall be the same as for violations of the Seashore Protection Act, Title XIV, Chapter V-A, Government Code of Guam.

H. Any expansion or alteration of an approved project, which exceeds 50% of the physical value of the original structure or development, shall require application for a new Wetland Permit from the Commission.

I. Upon Commission approval of an EIA or tentative plan for a proposed commercial development within a wetland APC, the developer may be requested to demonstrate that sufficient funding is available for the project, prior to issuance of a Wetland Permit.

J. During all phases of a proposed development project and application for permit, the land area shall be open for inspection by all interested agencies or parties.

K. If a development project is not completed or operations totally cease within a prescribed time period, if any, indicated on the approved permit, the developer shall be required to restore the natural appearance and biological character of the wetland to its condition prior to institution of the development to the maximum extent practicable.

L. The comments submitted to the Commission, by Government of Guam agencies, on requests for development within wetlands, as summarized by the Executive Secretary of the Commission shall constitute the Government of Guam's position on such projects for the purpose of providing comment to the U.S. Army Corps of Engineers under their permit process for wetland development.

M. Variances to such procedures and standards as outlined in these rules and regulations may be granted by the Commission only upon written findings that the applicant satisfies all of the four criteria for granting of zoning variances under Section 17502(a)-(d) of the Government Code of Guam.
Section IV. STANDARDS FOR DEVELOPMENT AND CONSERVATION OF WETLAND APCs

A. All development within a wetland APC shall comply with all air and water quality, erosion and sedimentation control standards and other applicable pollution standards as promulgated by the Guam Environmental Protection Agency.

B. Wetland acreage shall not be reduced by filling or dumping material over submerged areas unless issued a Wetland Permit by the Commission.

C. Wetlands shall not be graded, dredged or subject to removal of large areas of productive plant life unless issued a Wetland Permit by the Commission.

D. The flow of water within or into wetlands shall not be altered so as to adversely affect the wetland by blocking or channelizing rivers (within or upstream from the wetland) or tidal flow, or reducing natural spring discharge unless issued a Wetland Permit by the Commission.

E. Any development which substantially increases the potential for damaging flooding of properties within or adjacent to the wetland shall not be permitted within a wetland APC.

F. Development of any structure subject to damage, or posing a health or safety threat to the public or the wetland environment, due to flooding of the wetland shall not be permitted within a wetland APC.

G. Any developments, including aquaculture facilities existing within wetland APCs, at the time rules and regulations for wetland APCs are promulgated, do not require a Wetland Permit for existing use and structures, and are not subject to restoration requirements.

H. Proposed aquaculture operations, expansion of existing aquaculture operations and/or reactivation of aquaculture sites within wetland APCs shall require preparation of an EIA prior to issuance of a Wetland Permit by the Commission.

I. Proposed ponding or storage facilities; industrial, residential or commercial development may be permitted within wetland APCs only upon a finding
by the Commission that no feasible alternative sites exist and that such
development is dependent on location within a wetland.

J. Passive recreational and educational uses and structures such as unpaved
foot trails, interpretive signs, elevated walkways, portable tables, etc.,
within wetland APCs shall not require Wetland Permits, but shall be subject
to applicable Department of Parks and Recreation rules and regulations and
Department of Agriculture hunting regulations.

K. Hunting, removing or otherwise disturbing threatened or endangered wildlife
or plants within wetland APCs is prohibited unless such actions are in com­
pliance with the rules and regulations of the Department of Agriculture
and such actions are essential to the health, safety, and welfare of the
general public and alternative actions are not feasible. Removal of small
amounts of non-threatened or non-endangered wildlife for non-commercial
home consumption or medicinal use does not require issuance of a Wetland
Permit.

Section V. DESIGNATION OF WETLAND AREAS OF PARTICULAR CONCERN

A. The Commission shall designate as initial wetland areas of particular concern
those wetlands identified on the Bureau of Planning's Community Design Maps,
as approved by the Governor, and those mangrove strands and wetlands delineated
in the Army Corps of Engineers' Inventory and Mapping of Wetland Vegetation
in Guam, Tinian and Saipan, June, 1977 and the Appendix of the Bureau of

B. Subsequent proposed additions, deletions or revisions to these initial
wetland APC designations shall be submitted to the Territorial Planner
who shall circulate such proposed changes to SDRC member agencies, the
Department of Agriculture and the U.S. Army Corps of Engineers, and other
interested agencies or, upon request, private parties.
C. Upon review by all SORC members and other interested agencies the proposed wetland APC shall be submitted to the Commission with recommendations for approval, disapproval or modification. The Commission, upon holding a public hearing in the Commissioner's Office nearest the subject wetland areas in which at least ten (10) days notice is provided in a newspaper of general circulation, shall either approve, disapprove or approve with modifications the requested wetland APC designation.

D. All initially and subsequently approved wetland APC's shall be officially noted and recorded by the Department of Land Management and the Bureau of Planning on official wetland APC maps. Copies of such official wetland APC maps shall be available to the general public and shall be provided to and retained by all SORC member agencies.
TERRITORIAL PLANNING COMMISSION
FLOOD HAZARD AREAS
RULES AND REGULATIONS

Contents:
Section I. Authority, Purpose, and Intent
Section II. Definitions
Section III. Procedures for Flood Hazard Area Management
Section IV. Standards for Flood Hazard Area Management
Section V. Designation of Flood Hazard Areas of Particular Concern

Section I. Authority, Purpose, and Intent

A. Authority
These rules and regulations are promulgated by the Territorial Planning
Commission under authority of Titles XVIII and XIX of the Government Code
of Guam and Executive Order No. 78-20.

B. Purpose
The purpose of these rules and regulations is to establish procedural
guidelines and performance standards for management of flood hazard areas,
pursuant to Executive Order No. 78-20, and the National Flood Insurance
and Guam Coastal Management Programs.

C. Intent
These rules and regulations apply to those land areas delineated as Flood
Hazard Areas of Particular Concern on an official map, as approved by the
Territorial Planning Commission and retained for public inspection by the
Department of Land Management, Public Works, Parks and Recreation, Agricul-
ture, the Bureau of Planning, the Guam Environmental Protection Agency,
and Public Utilities Agency of Guam. The official map is subject to amendment as additional data becomes available or a flood event expands a designated boundary. A designated flood boundary will be reduced only upon completion of an approved flood control project. Those activities or developments occurring only partially within a designated or recognized flood hazard area shall be subject to these rules and regulations. These rules and regulations supplement all other provisions of the law relating to land use and shall remain in effect until such time as amended by the Territorial Planning Commission. These rules and regulations shall apply to all developments on Government of Guam or private lands. Compliance with these rules and regulations should precede submittal of applications for any required Federal permits.

Section II. DEFINITIONS

1. Area of Particular Concern (APC): A specifically designated geographic area where the presence of unique or significant natural resources, geologic constraints, hazards or other exceptional geographic characteristics warrants and requires the application of extraordinary regulatory or management measures in order to insure the retention of such exceptional qualities or to insure the health, safety and welfare of the general public.

2. Flood: The general and temporary condition of partial or complete inundation of normally dry land areas from: (a) abnormally high coastal waters resulting from tropical storms, typhoons or tsunamis; (b) overflow of streams, rivers and wetlands; (c) excessive drainage of rainfall into sinkholes and low-lying basins.

3. Flood Hazard Area, Flood Prone Area, Flood Plain: Any land area subject to flood-conditions or susceptible to inundation, including wetlands, and areas subject to a one percent or greater chance of flooding in any given year.
(100-year flood), as designated on the official map of Flood Hazard Areas.

4. **Wetland**: Those areas that are inundated by surface or ground water with a frequency sufficient to support and under normal circumstances does or would support a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated conditions for growth or reproduction. Wetlands generally include swamps, marshes, mangroves, natural ponds, surface springs, estuaries and similar such areas.

5. **Floodproofing**: Any combination of structural or non-structural measures or adjustments to properties and structures that would reduce flood loss to facilities, structures or the contents of buildings. Structural floodproofing involves the ability to resist hydrostatic and hydrodynamic pressure and the effect of buoyancy.

6. **Flood Control Measures**: Any dam, wall, embankment, levee, dike, abutment, basin, culvert, channelization or other means specifically designed to alter the natural course of waters within or affecting a flood hazard area.

7. **Structure**: Any building with walls, supports or roofing; or gas or liquid storage tank which is affixed to the land.

8. **Development**: The placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including but not limited to, subdivision of land and any other division of land including lot parcelling; change in the intensity of use of water, ecology related thereto, or of access thereto; construction or reconstruction, demolition, or alteration of the size of any structure, including any
A. Before issuance of any permit for development within a designated flood hazard area, a tentative plan for the proposed development shall be submitted to the Building Permit Division, Department of Public Works including:

1. The name and address of the owner or owners of record, of the developer and of the person preparing the map.
2. Date, north arrow and scale.
3. A key map locating the development's relation to surrounding areas.
4. The exact length and bearing of the exterior boundaries of the development, referenced to the Guam Geodetic Triangulation Control Network or such alternative system of triangulation control as the Territorial Surveyor may direct.

Environmental Impact Assessment (EIA): A detailed description of a proposed action including: Information and technical data adequate to permit a careful analysis of environmental, economic and social impacts; discussion of the probable impact on the environment and any direct or indirect consequences that may result from the action; any adverse effects that cannot be avoided; alternatives to the proposed action that might avoid some or all of the adverse environmental effects; assessment of the cumulative long-term effects of the proposed action including its relationship to short-term use of the environment in comparison with long-term productivity and irreversible or irreplaceable commitments of resources.


Section III. PROCEDURES FOR FLOOD HAZARD AREA MANAGEMENT

A. Before issuance of any permit for development within a designated flood hazard area, a tentative plan for the proposed development shall be submitted to the Building Permit Division, Department of Public Works including a thorough description of the proposed development and the following specific information:

1. The name and address of the owner or owners of record, of the developer and of the person preparing the map.
2. Date, north arrow and scale.
3. A key map locating the development's relation to surrounding areas.
4. The exact length and bearing of the exterior boundaries of the development, referenced to the Guam Geodetic Triangulation Control Network or such alternative system of triangulation control as the Territorial Surveyor may direct.
5. The accurate placement and outline of structures existing on the site.

6. The location, names, and existing widths of adjacent street rights-of-way.

7. Topography with contour intervals of two feet.

8. The location and dimensions of all known existing easements and reservations.

9. The location of existing utilities and drainage facilities located within or adjacent to the proposed development.

10. The approximate layout and approximate dimensions of each structure, facility or use proposed within the development.

11. Areas intended to be reserved for public use.

12. A description of all floodproofing measures to be utilized in the proposed development.

13. An indication of the water surface elevation of the 100-year flood if the development involves a land area greater than 50 lots or 5 acres.

B. A tentative plan of the proposed development shall be prepared in sufficient detail so as to permit its complete analysis by the Building Permit, Engineering and Hydraulics Divisions of the Department of Public Works. The tentative plan shall include a schedule indicating the approximate dates when construction or development stages are planned to begin and be completed. These divisions may require submittal of detailed construction drawings and/or preparation of an EIA for analysis prior to issuance of any clearing, grading, building or other permit.
C. A performance bond or undertaking may be required by the Department of Public Works for any development undertaken pursuant to an approved tentative plan with a flood hazard area. The amount of the bond shall be one hundred and ten percent (110%) of the infrastructure costs of the project, and not less than two thousand dollars ($2,000). The entire bond or any undertaking of any portion thereof shall be forfeited as determined by the Director, Department of Public Works for failure to comply with any applicable flood hazard areas, wetland, water quality, or zoning regulations except as allowed for under a variance or other legal exception from such requirements. The entire bond or any portion thereof shall be forfeited as is required to complete the site preparation and infrastructure features or restoration of the project should these not be completed by the developer.

D. The Building Permit Division, Department of Public Works shall either approve, including approval with conditions, or disapprove in whole or in part the proposed tentative development plan. Upon receipt of permission by the Department for development within a flood hazard area, the applicant may proceed to apply for such other permits as may be required by the local or federal government.

E. If a field inspection by relevant agencies concludes that the development has not adhered to all applicable rules and regulations or conditions imposed by the Commission or Department of Public Works, the Attorney General shall take such action as necessary to ensure compliance with such requirements, including requests for restraining orders or revocation of permission for building in the flood hazard area.

F. Any expansion of an approved development project, which exceeds 50% of the physical value of the original structure or development, shall require application for a new building permit for development within the flood hazard area.
G. During all phases of a proposed development project and application for permit, the land area shall be open for inspection by all interested agencies or parties.

H. If a development project is not completed or operations totally cease within the time period, if any, indicated on the approved permit, the developer shall be required to restore the natural appearance and biological character of the flood hazard area to its condition prior to institution of the development to the maximum extent practicable.

I. Variances to such procedures and standards, as outlined in these rules and regulations may be granted through appeal to the Commission which may permit such variances only upon written finding that the applicant satisfies all of the criteria outlined for granting zoning variances under Section 17502 (a)-(d) of the Government Code of Guam.

J. Current uses not adhering to these rules and regulations shall not require a Flood Hazard Area Building Permit and shall be classified as legal non-conforming uses unless declared to be a hazard to public health, safety and welfare by the Department of Public Health and Social Services, at which time they will be subject to conformance with these rules and regulations.

K. Expansion of existing non-conforming uses or reactivation of uses which have been totally abandoned for a period of one year shall require application for a Flood Hazard Area Building Permit.

L. Emergency repairs of existing flood-damaged structures shall not require application for a Flood Hazard Area Building Permit if completed within a period of six months after a flood event and do not involve major structural or developmental expansion. After the above-stated time period, major repairs shall require application for a Flood Hazard Area Building Permit.
A. All development within flood hazard areas shall comply with all water quality, erosion and sedimentation control standards and other applicable pollution standards as promulgated by the Guam Environmental Protection Agency and, if applicable, Wetland and Rules and Regulations as promulgated by the Territorial Planning Commission.

B. Flood hazard areas shall not be graded, dredged or filled such that natural topographic drainways are altered unless issued a Flood Hazard Area Permit by the Department of Public Works.

C. Approved developments shall be designed to the maximum extent practicable to maintain the natural flow during flood conditions, not create backwater effects or expand a flood hazard area into previously non-flood prone areas.

D. All approved bridges and culverts shall have openings of sufficient width for adequate passage of flood discharge and debris during a 100-year flood.

E. New septic tanks, leaching fields, outhouses or other on-site sewage disposal systems shall not be permitted within flood hazard areas. All approved sewage disposal shall be connected to government sewerage at the developer's expense. Sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharges from the systems into flood waters.

F. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems.

G. No development shall be permitted, within sinkholes or low-lying basins, as designated on the Bureau of Planning's Community Design Plans, which would inhibit the recharge of water into the underground aquifer system or be subject to flood damage.

Section IV. STANDARDS FOR FLOOD HAZARD AREA MANAGEMENT

A. All development within flood hazard areas shall comply with all water quality, erosion and sedimentation control standards and other applicable pollution standards as promulgated by the Guam Environmental Protection Agency and, if applicable, Wetland and Rules and Regulations as promulgated by the Territorial Planning Commission.

B. Flood hazard areas shall not be graded, dredged or filled such that natural topographic drainways are altered unless issued a Flood Hazard Area Permit by the Department of Public Works.

C. Approved developments shall be designed to the maximum extent practicable to maintain the natural flow during flood conditions, not create backwater effects or expand a flood hazard area into previously non-flood prone areas.

D. All approved bridges and culverts shall have openings of sufficient width for adequate passage of flood discharge and debris during a 100-year flood.

E. New septic tanks, leaching fields, outhouses or other on-site sewage disposal systems shall not be permitted within flood hazard areas. All approved sewage disposal shall be connected to government sewerage at the developer's expense. Sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharges from the systems into flood waters.

F. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems.

G. No development shall be permitted, within sinkholes or low-lying basins, as designated on the Bureau of Planning's Community Design Plans, which would inhibit the recharge of water into the underground aquifer system or be subject to flood damage.
H. Fill materials (including trees and vegetation) shall not be discarded into flood hazard areas such as to impede the natural flood flow or velocity by creating an accumulation of loose debris.

I. Open storage of significant quantities of buoyant, light, loose or unsecured material shall be prohibited within flood hazard areas.

J. Storage within flood hazard areas of toxic chemicals, fertilizers, pesticides, biological wastes, or other contaminant substances which would be subject to dispersal into flood waters during periods of inundation shall be prohibited (even though storage of such substances might be in conformance with pollution control standards during non-flood conditions).

K. Excessive removal of natural vegetation in a flood hazard area (though not promoting erosion during non-flood conditions) which would promote erosion during flood conditions shall be prohibited, unless demonstrated to the satisfaction of the Guam Environmental Protection Agency that erosion control measures would satisfactorily prevent erosion and sedimentation or that such action is necessary for agricultural field farming. (Note: Deep-rooted natural vegetation such as trees and shrubs absorb water to greater depths and reduce flood levels much more effectively than shallow-rooted grasses and weeds that dominate lands after natural vegetation is cleared).

L. All approved flood control measures and structures shall be periodically maintained and immediately repaired in cases of failure. Flood control measures shall not increase flood heights in upstream areas or cause erosion of lands not previously subject to a higher flood level or increased flood velocity. (Note: Channelization can particularly increase flood velocity due to a reduction in natural impediments to flow. Thus, channeled flood waters should be directed to a suitable point of discharge).
M. Flood control measures or development shall not reduce the water supply or biological productivity of a wetland habitat.

N. An approved seawall for stormwave protection shall not impair public access, contribute to shoreline erosion or significantly disturb scenic vistas or visual quality and shall be sufficiently storm-resistant and structurally safe so as not to create a health or safety hazard.

O. All approved developments within flood hazard areas shall be floodproofed to the maximum extent practicable. (Note: All exposed doors should be watertight and exposed glass should be wire-reinforced). (Use of materials which easily deteriorate when exposed to water should not be used).

P. Below-ground basements, building space, storage or parking shall be prohibited within flood hazard areas.

Q. Libraries, schools, post offices, museums and other public-use structures, whose maintenance is at public expense or which are used for storage of valuable flood-vulnerable materials, the preservation of which is in the public interest, shall not be located within flood hazard areas.

R. Cemeteries shall not be located within flood hazard areas. Expansion of existing cemeteries within flood hazard areas shall be permitted as a non-conforming use.

S. All electrical equipment and the lowest floor of approved structures shall be elevated above the maximum known flood elevation.

T. All approved structures, including mobile or modular homes and other lightweight structures, shall be anchored to prevent flotation, collapse or lateral movement of the structure or portions of the structure during flood conditions. Ties shall be provided at each of the four corners of the home with two additional ties per side at intermediate locations.
U. Posts, piles or similar techniques for elevating structures in flood hazard areas shall be secured in concrete footings or by imbedment in the ground to a depth sufficient to withstand hydrostatic or hydrodynamic loads, anticipated scour and/or uplift.

V. Approved structures shall be planned for construction with the longitudinal axis parallel to the direction of flood flow or wave assault whenever possible and additional or adjoining structures shall be planned for placement on the same flood-flow lines as the established structures.

W. Recreational development such as ballparks or agricultural field farming which does not involve major structural developments does not require issuance of a Flood Hazard Area Permit if outside wetland habitats. Archaeological investigation or restoration of historical sites does not require a Flood Hazard Area Permit. (Note: Floodplains have a high capability for low-intensity uses such as open-space scenic areas, wildlife habitats, groundwater recharge areas, outdoor recreation, field farming and livestock grazing).

Section V. DESIGNATION OF FLOOD HAZARD AREAS

A. The Commission shall designate as initial flood hazard areas of particular concern those floodplain designations submitted by the Bureau of Planning for approval under the National Flood Insurance Program.

B. Subsequent proposed additions, deletions or revisions to these initial flood hazard area designations shall be submitted to the Territorial Planner who shall circulate such proposed changes to SORC member agencies, the Department of Agriculture and the U.S. Army Corps of Engineers, and other interested agencies or, upon request, private parties.
C. Upon review by all SDRC members and other interested agencies the proposed flood hazard area shall be submitted to the Commission with recommendations for approval, disapproval or modification. The Commission, upon holding a public hearing in the Commissioner's Office nearest the subject flood hazard areas in which at least ten (10) days notice is provided in a newspaper of general circulation, shall either approve, disapprove or approve with modification the requested flood hazard area designation.

D. All initially and subsequently approved flood hazard areas shall be officially noted and recorded by the Department of Land Management, Department of Public Works and the Bureau of Planning on official flood hazard area maps. Copies of such official flood hazard area maps shall be available to the general public and shall be provided to and retained by all SDRC member agencies.

E. Officially designated flood hazard areas of too small a size to be accurately delineated on such official maps which are the subject of proposed development shall be verified through on-site field inspection by the Department of Public Works Hydraulics Division. If any portion of the proposed development is determined to be in the designated flood hazard area such development shall be subject to these rules and regulations.
TERRITORIAL PLANNING COMMISSION
INTERIM "H" RESORT-HOTEL ZONE
RULES AND REGULATIONS

Contents:
Section I. Authority, Purpose, and Intent
Section II. Definitions
Section III. Procedures for Zone Changes to "H"
Section IV. Procedures for development within an "H" Zone
Section V. Standards for development within an "H" Zone

Section I. AUTHORITY, PURPOSE, INTENT
A. Authority
These rules and regulations are promulgated by the Territorial Planning Commission under authority of Titles XIV and XVII of the Government Code of Guam and Public Law 14-41, as amended by Public Law 14-72 and Public Law 14-82.

B. Purpose
The purpose of these rules and regulations is to establish procedural requirements for:
   a. Zone changes to an "H" designation.
   b. Development within "H" Zones.
   c. Substantive standards for development within "H" Zones.

C. Intent
These rules and regulations apply to that area rezoned "H" under the provisions of Public Law 14-41, as amended by Public Law 14-72 and 14-82 (Tumon), as well as all future proposals for development within or changes of zone designation to an "H" zone. As interim regulations, they shall remain in effect until such time as final "H" Zone regulations are adopted by the Territorial Planning Commission.

Section II. DEFINITIONS
For the purpose of defining those uses permitted in the "H" Zone under Public Law 14-41, but not defined elsewhere in the Government Code, the following definitions shall apply:

1. Amusement Activity: An indoor or outdoor facility operated for the amusement or entertainment to the public.
2. **Cultural Facility**
   An indoor or outdoor facility operated for the purpose of portraying or promoting aspects of the island's culture through use of plays, theaters, museums, arts and crafts galleries and displays, and similar facilities.

3. **Landscaped Area or Landscaping**
   An area planted and covered with soft live flora such as lawn, ground cover, trees, shrubs, or any other materials which would aesthetically enhance the area.

4. **Park Recreational Facility**
   An area or facility established and operated for the purpose of accommodating or promoting active or passive recreational activities including sports, interpretive parks, botanical and zoological gardens, playgrounds, and such related facilities.

5. **Tourism Related Shops, Offices, and Supportive Services (Resort Commercial)**
   Commercial facilities and offices directly dependent on sales or services and immediate proximity to the public and, including but not limited to bicycle or moped rental facilities, but not such commercial or industrial activities as auto, motorcycle, bicycle, and appliance sales or repairs; assembly line, hardware, building, electrical, or plumbing supply enterprises and related uses.

6. **Transient Guest**
   Those persons who occupy a hotel, lodging house, or similar facility in a specific location for less than 90 consecutive days.

Section III. **Procedures for Zone Change to "H"**

A. A proposed zone change to "H" may be initiated by the Commission or by an application directed to the Commission by any person owning or leasing real property within the area covered by the proposed "H" zone.

B. **Application.** An application for a change of zone to "H" shall be filed with the Planning Division, Department of Land Management, on a zone change form, which, in addition to that information normally required for zone changes shall include:

1. A legal description of the area proposed for rezoning, copies of certificates of title for property within the proposed zone and the name of the developer and/or development company, if appropriate.
2. A statement outlining the reasons for requesting such a zone change including:
   a. A discussion of how the public necessity, convenience, and general welfare justifies such a zone change.
   b. A description of the general geographical character of the area to be rezoned.
   c. Types of future uses or development proposed within the area, if any.
   d. Alternatives considered (PUD, Variance, C Zone, etc.).
   e. A general summary of the anticipated effect of the proposed rezoning on the surrounding environment including its impact on water quality (through drainage, leaching, run-off); any unique historical or ecological sites or other valuable natural or cultural resources; accessibility to beaches, caves, waterfalls, or other recreational sites; and surrounding land-use patterns. General narrative discussion acceptable—no requirement to follow specific guidelines for preparation of Environmental Impact Statements, or Assessments as established by Council on Environmental Quality; unless otherwise required by law.
   f. If proposed in conjunction with plans for substantial development of the subject area:
      (1) A summary economic statement to include discussions of the operating and economic role and function of the development's major features, of the primary and secondary markets to be served, of the demand for support services to be generated and the manner in which each will be secured, and of the ways in which the development furthers the expansion in breadth or depth of the Island's economy; but to specifically exclude confidential or sensitive financial data such as forecasted operating cost breakdowns, revenues, cash-flows, breakeven points, and profitability.
      (2) A development schedule indicating the approximate date when construction or stages (by unit or increment basis) of any planned development are planned to begin and be completed.
D. Prior to the public hearing, the Territorial Planner shall submit the application and other supporting documents including a summary report of the public hearing for the proposed zone change to the Subdivision and Development Review Committee for their review and recommendation. The Subdivision and Development Review Committee (SDRC) findings shall be presented at the public hearing.
E. The Commission shall consider the proposed change of zone and may approve or disapprove the same, in whole or in part. The Commission shall make its findings and determinations within forty (40) days from the date of the hearing thereon and shall forward notice of such decision to the applicant, if any. If the application is approved in whole or in part by the Commission, the same shall be forwarded to the Governor who may approve or disapprove the proposed change in whole or in part.

F. Pursuant to Chapter XIV, Title XVIII of the Government Code, upon approval of the zone change by the Governor, it shall be submitted to the next portion of the next regular session of the Legislature convening after the said approval. Such amendment to the zoning map shall remain in effect unless amended or repealed by statute.

G. Zone changes to "H" shall not be permitted for any area less than two and one half (2-1/2) acres in size.

IV. Procedures for Development Within an "H" Zone

A. Before issuance of any building permit for development proposed either in 1) in conjunction with submittal of a requested zone change to "H" or 2) in a prior approved "H" Zone, a tentative plan for such development shall be submitted to the Territorial Planner containing the following information as deemed appropriate by the Territorial Planner:

1. The name and address of the owner or owners of record, of the developer and of the person preparing the map.
2. Date, north arrow and scale.
3. A kep map locating the development relation to surrounding areas.
4. The exact length and bearing of the exterior boundaries of the development which data shall be referenced to the "Guam Geodetic Triangulation Control Network" or such alternative system of triangulation control as the Territorial Surveyor may direct.
5. The accurate placement and outline of structures existing on the site.
6. The location, names, and existing widths of adjacent street rights of way.
7. The location and dimensions of all known existing easements and reservations.
8. The location of existing utilities, sewers, drainage ditches, and other drainage facilities located in, or adjacent to, the proposed development.
9. The location, width and direction of flow of all water courses within the subdivision area.
10. Topography with contour intervals of two feet (2') where the ground slope is five percent (5%) or less or contour intervals of five feet (5') where the ground slope is more than five percent (5%).
11. The location and widths of all existing or proposed streets in the development.
12. The approximate layout and approximate dimensions of each structure, facility, or use proposed within the development.
13. Areas intended to be reserved for public use.
14. A drainage plan showing methods and facilities for collection and disposal of storm waters. The storm drainage disposal area or channel must have a demonstrated ability to accept additional water in view of capacity of area or channel and of capacity of existing improvements confining the channel.

The tentative plan shall be prepared in sufficient detail for analysis by the Commission as to sufficiency and most suitable location. The Commission may require the submission of detailed construction drawings as work is initiated to permit detailed analysis of construction conformity to law and the rules and regulations of the Commission, and to facilitate inspections.

B. Upon certification by the Territorial Planner that such complete and accurate information as requested has been provided, such tentative plan shall be submitted to the Subdivision and Development Review Committee for review and recommendations.

C. The Territorial Planning Commission shall either approve, including approval with conditions, or disapprove in whole or in part the proposed tentative development plan. Upon approval, appropriate permits for initial construction may be issued.
D. Any proposed use or structure which has not been included in an approved tentative plan must be approved by the Commission or at its discretion, the Territorial Planner, before issuance of any building permits.

E. A performance bond or undertaking shall be required for any development undertaken pursuant to an approved tentative plan within an "H" Zone as otherwise provided in the regulations. The amount of the bond shall be One Hundred and Ten Percent (110%) of the infrastructure costs of the project, and not less than Two Thousand Dollars ($2,000). The entire bond or any undertaking of any portion thereof shall be forfeited as determined by the Commission for failure to comply with any applicable land use, water quality, or zoning regulation except as allowed for under prior granting of a variance or other legal exception from such requirement: including, but not limited to, erosion and grading standards, landscaping, height and setback requirements, the tentative development plan as approved by the Commission and any applicable zone regulations. The entire bond or any portion thereof shall be forfeited as is required to complete the site preparation and infrastructure features of the project should these not be completed by the developer.

F. The Commission shall approve a maximum time period within which all of the improvements authorized in the tentative development plan shall be completed. The time period shall be no less than six months, and no more than four years. The time period shall be based on the size, character, and complexity of the authorized improvements. The Commission may, for good cause shown, grant any extension of time.

G. Upon completion or any portion of the project in accordance with the tentative plan, the Department of Public Works shall certify to the Commission that the project has been completed in accordance with the tentative plan.

H. Requirements or preparation of tentative development plans and posting of performance bonds as outlined in this section shall not apply to construction of single-family dwellings in that area in Tumon zoned "H" under Public Law 14-41, as amended.
Section V. Standards for Development Within an "H" Zone

A. All development within an "H" Zone shall comply with all applicable pollution and erosion standards as promulgated by the Guam Environmental Protection Agency.

B. The nature, size, shape, lighting, and style of an outdoor sign shall conform to those requirements as outlined in the Sign Regulations, Title XVIII, Chapter IX, of the Government Code for Commercial Zones.

C. The following parking regulations shall apply:
   2. Provisions noted under "footnotes" to the "H" Zone Yard and Height Regulations.

D. Development and activities within an "H" Resort-Hotel Zone shall:
   1. Provide open access to public resources including but not limited to beaches or other parts of the ocean shore, parks, conservation areas, rivers, waterfalls, and other public resources.
   2. To the maximum extent possible, assure that all permissible and accessory uses enhance, compliment, and do not detract from or surrounding area.
   3. When associated with or encompassing such valuable resources as unique land, water, floral, faunal, cultural, historic, archaeological, or other such areas:
      a. Provide interpretive materials, displays, and information, as required, reviewed, and approved by the Department of Parks and Recreation. The Territorial Planner shall certify to the TPC and SDRC that the interpretive materials, displays, and information have been so approved.
      b. Assure that such resources remain, to the maximum extent possible, in their natural or undisturbed state.

E. Dwellings permitted in an "H" Zone shall be designed:
   1. To accommodate primarily the needs and desires of visitors, tourists, and transient guests.
   2. In a compatible arrangement so as to compliment and enhance the adjacent structures and environment.
F. Such recreational or amusement activities as bowling alleys, movie theaters, or sports facilities which normally and necessarily create temporary or occasional substantial adverse impacts, such as excessive noise, light, or traffic, shall be permitted in an "H" Zone only upon a determination by the Commission that such an activity is normally to be found in a tourism-related development area, and that the activity is reasonably compatible with the existing or reasonably foreseeable development of the surrounding area.

G. Prior to issuance of occupancy permits for any development within an "H" Zone, the developer shall certify to the Territorial Planner that no less than two percent of the total construction cost for development of land oriented facility or structure was expended on landscaping that particular development. Allowable costs under such a requirement include the costs for purchase of landscaping vegetation and labor involved in its planting.

H. Variance to these regulations may be granted by the Commission only upon issuance of such findings or under such conditions as prescribed under Sections 17501 - 17502 of the Government Code.

I. Yard, Area, and Height regulations for the "H" Zone are as outlined in the attached chart.
### Yard Area and Height Regulations

| Use                  | Gross Density | Minimum Lot Size | Yard (3) | Lot Area per Dwelling | (5) | Maximum Building Height |
|----------------------|---------------|------------------|----------|-----------------------|--|--|------------------------|
|                      |               |                  | Front    | Side                  | Star|                           |
| Single               | 4 d.u./acre   | 9,000 W/Sewer 10,000 W/O Sewer (919 m²) | (4) 15 ft. (5m) | (4) 9 ft. (3m) | 10 ft. (3m) | 9,000 W/Sewer 10,000 W/O Sewer (919 m²) | 2 Stories |
| Zero Lot Line       | 3 d.u./acre   | 6,000 sq. ft. (371.8 m²) | (4) 15 ft. (5m) | (4) 9 ft. (3m) | 10 ft. (3m) | 4,000 W/Sewer 8,000 W/O Sewer 8,000 (441 m²) | 3 Stories |
| Zero Lot Line; Attached  | 6 d.u./acre | 3,000 sq. ft. (279.2 m²) | (4) 7 ft. (3m) | (4) 5 ft. (2m) | 10 ft. (3m) | 2,000 W/Sewer 6,000 W/O Sewer 6,666 (620 m²) | 3 Stories |
| New Four to Eight    | 10 d.u./acre  | 2,500 sq. ft. (132.3 m²) | (4) 10 ft. (3m) | (4) 7 ft. (2m) | 16 ft. (5m) | 2,000 W/Sewer 4,000 W/O Sewer (371 m²) | 2 Stories |
| Multi-Family         | 15 d.u./acre  | 10,000 sq. ft. (1012 m²) | 10 ft. (5m) | 10 ft. (5m) | 15 ft. (5m) | 1012 W/Sewer 2722 W/O Sewer (2553 m²) | 3 Stories |
| Multi-Family         | 20 d.u./acre  | 17,222 sq. ft. (1,530 m²) | 15 ft. (5m) | 10 ft. (5m) | 20 ft. (5m) | 2117 sq. ft. (304 m²) (Lot Length + Lot Width) + 10 m | |
| Multi-Family         | 25 d.u./acre  | 50,002 sq. ft. (4,647 m²) | 25 ft. (7m) | 25 ft. (7m) | 35 ft. (10m) | 2001 sq. ft. (188 m²) | |
| Multi-Family         | 25 d.u./acre  | 70,005 sq. ft. (6,566 m²) | 40 ft. (12m) | 40 ft. (12m) | 40 ft. (12m) | 1,888 sq. ft. (155 m²) | |
| Hotel Small          | 30 d.u./acre  | 90,000 sq. ft. (8,500 m²) | 35 ft. (11m) | 35 ft. (11m) | 35 ft. (11m) | 1,361 sq. ft. (126.5 m²) | |
| Hotel Large          | 30 d.u./acre  | 80,000 sq. ft. (9,256 m²) | 55 ft. (17m) | 55 ft. (17m) | 55 ft. (17m) | 1141 sq. ft. (105 m²) | |
| Resort Commercial    | NA            | 9,000 sq. ft. (919 m²) | 10 ft. (3m) | 10 ft. (3m) | 10 ft. (3m) | NA | 3 Stories |

**Footnotes:**
1. Headings/acre include all setbacks, no parking permitted.
2. Ten (10) parking spaces permitted on paved driveway with the six feet (16") setback.
3. When yard includes shoreline, building setbacks are increased by thirty-five feet (35") for one story and seventy-five feet (75") for two story and ETC.
4. Zero lot line may be permitted with adjacent owner approval and provision of additional open space.
5. Maximum Building Height (MBH) is calculated by dividing the sum of Lot Length plus Lot Width by 10.

\[ MBH = \frac{(LL + LW)}{10} \]
Section VI. Amendments

These Rules and Regulations may be amended by the Commission at any regular or special meeting by a majority vote, provided that a ten (10) day public notice is provided.


Chairman, Territorial Planning Commission

I certify that the foregoing is a true copy of the Rules and Regulations of the "H" Resort-Hotel Zone promulgated, effective March 10, 1978. These rules and regulations were in effect March 10, 1978 and continue in effect as of the date of this certification.

JOHN P. AGUON, EXECUTIVE SECRETARY
Territorial Planning Commission
ARTICLE III. MEMBERS OF THE COMMISSION

Section 1. Commission Creation, Membership and Compensation.

The Commission shall consist of the seven (7) members of the Territorial Planning Commission and the members shall be members of the Territorial Planning Commission. Commission members shall serve without compensation except that each member shall be paid a per diem of twenty-five dollars ($25.00) for each day's attendance at a meeting of the Commission. Each member shall also be allowed actual expenses incurred in the discharge of his duties.

Section 2. Powers and Duties. The Commission may:

(a) Accept grants, contributions and appropriations;

(b) Employ and fix the compensation, in accordance with law, of such professional, clerical and other assistants as may be necessary;
ARTICLE IV. OFFICERS

Section 1. Regular Officers. Regular officers of the Commission shall be Chairman, Vice-Chairman and Administrator.

Section 2. Additional Officers and Assistant Officers. The Commission may, by Resolution, appoint such additional officer or officers, or assistant officer or officers, establish the terms of office of such officers, and define the duties of such officers as the Commission may by such Resolution determine necessary or desirable.

Section 3. Terms of Office. The terms of office for the Chairman and Vice-Chairman shall be concurrent with their terms of office as members of the Territorial Planning Commission. The term of office of the Administrator shall serve at the pleasure of the Commission.
Section 4. **Vacancies.** Should the office of Chairman and Vice-Chairman be vacant, the Commission shall fill the vacancy by election.

Section 5. **Duties of Officers.** The Chairman shall preside at all meetings of the Commission. At such meetings, he shall submit such proper information and recommendations to the Commission as he may deem proper concerning the policies, administration, and other affairs of the Commission. The Chairman shall sign all contracts and other important documents and letters of the Commission upon approval of the Commission in accordance with Article VI, Section 4, of these Rules and Regulations.

The Vice-Chairman shall perform the duties of the Chairman in the absence or incapacity of the Chairman.

The Administrator shall serve as administrative officer of the Commission, shall be directly responsible to it, and subject thereto shall have complete control and responsibility for the execution of the Commission policies, the administration of its affairs, and the furnishing of such technical and clerical personnel, and office facilities as may be reasonably necessary.

Section 6. The officers of the Commission shall perform such other duties and functions as may from time to time be appropriately required by the Commission or the Rules and Regulations.

**ARTICLE V. INTERIM PERMIT CONTROL**

Section 1. **General Provisions.** The Commission shall adopt a permit application form which shall conform to the General provisions as enumerated in Section 13417 (a), Public Law 12-108, Seashore Reserve Act, and all other applicable laws governing the area defined as the Seashore Reserve.

Section 2. **Permit Procedure.**

(a) Acceptance of Application. Applications for the Territorial Seashore Protection Commission shall meet all current requirements of the Territorial Planning Commission and Public Law 12-108. Completed applications, with seven (7) additional copies, shall be submitted to the Administrator of the Commission in accordance with the Territorial Planning Commission and Public Law 12-108 requirements.
ARTICLE VI. MEETINGS

Section 1. Regular Meetings. Meetings shall be held on the second and fourth Thursdays of the month. If such meeting falls on a legal holiday, the meeting shall be on the subsequent Tuesday.

Section 2. Special Meetings. Special meetings shall be held at such time and places as the Commission may determine, or may be called by the Chairman at such time and place as he may determine, and must be called by him upon the written request of three or more members of the Commission filed with the Administrator. Notice of such special meetings must be given at least 24 hours prior to the time of said meeting, and is to be given in writing, or in such form as the Chairman may direct. Any and all business of the Commission may be transacted at such a special meeting.

Section 3. Quorum. Four (4) members of the Commission shall constitute a quorum for the purpose of conducting its business, exercising its powers and for all other purposes.

(b) Filing Fee. The Commission shall require a reasonable filing fee which shall be determined by the estimated cost of the project.

(c) After their acceptance by the Administrator, applications shall be transmitted to the Territorial Seashore Protection Commission. The Commission shall then hold at least one (1) hearing thereon in the municipal district where the project is located, such districts are described in Chapter I of Title XIV of the Government Code, notice of time and place of which shall be given by at least one (1) publication in a newspaper of general circulation, at least ten (10) days before the day of said hearing, and by mail to the Commissioner of the municipal district concerned. The hearing shall be no less than 21 nor more than 90 days after the date on which application is filed. All applications should be submitted and reviewed by the Subdivision and Development Review Committee prior to public hearing. All comments and evaluations of the Subdivision and Development Review Committee should be presented during the public hearing.

(d) The Commission shall act upon the application for permit within sixty (60) days after the conclusion of the hearing.
Section 4. Voting. Every official act taken by the Commission shall be adopted by four affirmative votes. Only positive motions will be entertained.

Section 5. Order of Business. At the regular meetings of the Commission, the following shall be the order of business:

(1) Notation of attendance;
(2) Consideration of Seashore Protection Commission applications, governed under the general provisions, Section 1, Article V of these Rules and Regulations;
(3) Miscellaneous matters;
(4) Approval of Minutes not previously approved;
(5) Adjournment.


ARTICLE VII. AMENDMENTS

These Rules and Regulations may be amended by the Commission at any regular or special meeting by a majority vote, provided that 10 days public notice is provided.

Adopted on the 14th day of August 1975,

David J. Ulisa, Chairman

I certify that the foregoing is a true copy of the Rules and Regulations of the Guam Territorial Seashore Protection Commission as promulgated, effective August 14, 1975. These Rules and Regulations were in effect August 14, 1975 and continue in effect as of the date of this certification.

Esteban U. Torres, Administrator
GUAM, VIRGIN ISLANDS, AMERICAN SAMOA
LAND JURISDICTION

PUBLIC LAW 113-133; 82 STAT. 2120

An Act to place certain submerged lands within the jurisdiction of the
governments of Guam, the Virgin Islands, and American Samoa, and
for other purposes.

Be it enacted by the Senate and House of Representatives of the United
States of America in Congress assembled, That:

(a) Subject to valid existing rights, all right, title, and interest of
the United States in lands permanently or periodically covered by
tidal waters up to but not above the line of mean high tide and sea-
ward to a line drawn astride two hundred and fifty miles from the outlets
of the territory of Guam, the Virgin Islands, and American Samoa, as
hereinafter or hereafter modified by acquisition, erosion, and reliction,
and in artificially made, filled in, or reclaimed lands which were for-
merly permanently or periodically covered by tidal waters, are hereby
ceded to the governments of Guam, the Virgin Islands, and
American Samoa, as the case may be, to be administered in trust for the
benefit of the people thereof.

(b) There are excepted from the transfer made by subsection (a)
hereof—

(1) all deposits of oil, gas, and other minerals, but the term
"minerals" shall not include coal, sand, and gravel;
(2) all submerged lands adjacent to property owned by
the United States above the line of mean high tide;
(3) all submerged lands adjacent to property above the
line of mean high tide acquired by the United States by eminent
domain proceedings, purchase, exchange, or gift, after the date
of enactment of this Act, as required for completion of the
Department of the Navy Land Acquisition Project relative to the
construction of the Ammunition Pier authorized by the Military
1136);
(4) all submerged lands filled in, built up, or otherwise re-
claimed by the United States, before the date of enactment
of this Act, for its own use;
(5) all tracts or parcels of submerged land consisting on any
part thereof any structures or improvements constructed by the
United States;
(6) all submerged lands that have heretofore been deter-
mined by the President or Congress to be of such scientific,
scenic, or historic character as to warrant preservation and ad-
ministration under the provisions of the Act entitled "An Act to
establish a National Park Service, and for other purposes", ap-
poved August 22, 1916 (16 U.S.C. 1 et seq.);
(7) all submerged lands designated by the President within
one hundred and twenty days after the date of enactment of
this Act;
(8) all submerged lands that are within the administrative
responsibility of any agency or department of the United States
other than the Department of the Interior;
(9) all submerged lands lawfully acquired by persons other
than the United States through purchase, gift, exchange, or
otherwise;
(10) all submerged lands within the Virgin Islands National
Park established by the Act of August 2, 1956 (16 U.S.C. 226
et seq.), including the lands described in the Act of October 6,
1962 (16 U.S.C. 228-230a) and
(11) all submerged lands within the Virgin Islands Nat-
ional Park established by the Act of May 24, 1964 (78 Stat.
551).
(c) No conveyance shall be made by the Secretary pursuant to this section until the expiration of a sixty calendar days (excluding any days on which the House of Representatives or the Senate is not in session because of a 10-day adjournment of more than three days to a day certain) from the date on which the Secretary of the Interior submits to the Committees on Interior and Insular Affairs of the House of Representatives and the Senate an explanatory statement indicating the tract proposed to be conveyed and the need therefor, unless prior to the expiration of such sixty calendar days both committees inform the Secretary that they wish to take no action with respect to the proposed conveyance.

Sec. 2. (a) Nothing in this Act shall affect the right of the President to establish naval defensive sea areas and naval airspace reservations around and over the islands of Guam, American Samoa, and the Virgin Islands when deemed necessary for national defense.

(b) Nothing in this Act shall affect the use, development, improvement, or control by or under the constitutional authority of the United States of the lands transferred by the first section of this Act, and the navigable waters overlying such lands, for purposes of navigation or flood control or the production of power, or be construed as the release or relinquishment of any rights of the United States arising under the constitutional authority of Congress to regulate or improve navigation, or to provide for flood control or the production of power.

(c) The United States retains all of its navigational servitude and rights in and powers of regulation and control of the lands conveyed by the first section of this Act, and the navigable waters overlying such lands, for the constitutional purposes of commerce, navigation, national defense, and international affairs, all of which shall be paramount, but shall not be deemed to include, proprietary rights of ownership, or the rights of management, administration, leasing, use, and development of the lands and natural resources which are specifically conveyed to the government of Guam, the Virgin Islands, or American Samoa, as the case may be, by the first section of this Act.

(d) Nothing in this Act shall affect the status of lands beyond the three-mile limit described in section 1 of this Act.

Sec. 3. Subsection (b) of section 71 of the Revised Organic Act of the Virgin Islands (48 U.S.C. 1554(b)) is amended to read as follows:

"(b) All right, title, and interest of the United States in the properties placed under the control of the government of the Virgin Islands by section 4(a) of the Organic Act of the Virgin Islands of the United States (48 U.S.C. 1553(a)) are reserved to the United States, by the Secretary of the Interior within one hundred and twenty days after the date of enactment of this subsection, to be conveyed to such government. The conveyance effected by the preceding sentence shall not apply to that land and other property which on the date of enactment of this subsection is administered by the Secretary of the Interior as part of the National Park System and such lands and other property shall be retained by the United States."

Sec. 4. On and after the date of enactment of this Act, all rents, royalties, or fees from leases, permits, or use rights, issued prior to such date of enactment by the United States with respect to the land conveyed by this Act, or by the amendment made by this Act, and rights of action for damages for trespass occupancy of such lands shall accrue and belong to the appropriate local government under whose jurisdiction the land is located.

Sec. 5. The first section, and sections 2 and 3 of the Act entitled "An Act to authorize the Secretary of the Interior to convey certain submerged lands to the governments of Guam, the Virgin Islands, and American Samoa, and for other purposes," approved November 20, 1912, (48 U.S.C. 1701-1705), are repealed.

Sec. 6. No person shall be denied access to or any of the benefits accruing from, the lands conveyed by this Act, or by the amendment made by this Act, on the basis of race, religion, creed, color, sex, national origin, or ancestry. Provided, however, That this section shall not be construed in derogation of any of the provisions of the April 27, 1960 cession of Tutuila and Aunu to the United States under the Act of May 22, 1929 (48 Stat. 1253) and the Act of May 22, 1929 (48 Stat. 4).

AN ACT
To grant to the Government of Guam certain filled lands, submerged lands, and
islands.

Be it enacted by the Senate and House of Representatives of the
United States of America in Congress assembled. That there is hereby
granted to the Government of Guam, without reimbursement, all of
the right, title, and interest of the United States in and to all of those
lands, including filled lands, submerged lands, and islands, together
with all structures and improvements thereon, located in Guam, and
constituting a portion of the area known as the Paso de Susana,
more particularly described as follows:

Beginning at a point, the coordinates of which are east 50,686.448
meters, north 50,639.028 meters. Land and Claims Commission 1946
triangulation system, said point of beginning being also on the mean
lower low water line—

thence due south a distance of 50.78 meters;

thence north 81 degrees 35 minutes west a distance of 17.68
meters;

thence north 81 degrees 44 minutes west a distance of 11.56
meters;

thence north 81 degrees 44 minutes west a distance of 11.50
meters;

thence north 78 degrees 15 minutes west a distance of 15.91
meters;

thence north 79 degrees 56 minutes west a distance of 16.35
meters;

thence north 78 degrees 20 minutes west a distance of 29.91
meters;

thence north 78 degrees 57 minutes west a distance of 18.35
meters;

thence north 60 degrees 57 minutes west a distance of 10.09
meters;

thence north 72 degrees 55 minutes west a distance of 22.27
meters;

thence north 60 degrees 08 minutes west a distance of 11.14
meters;

thence north 44 degrees 56 minutes west a distance of 10.94
meters;

thence north 60 degrees 07 minutes west a distance of 8.29
meters;

thence north 78 degrees 50 minutes west a distance of 12.08
meters;

thence north 72 degrees 29 minutes west a distance of 17.11
meters;

thence south 86 degrees 48 minutes west a distance of 13.55
meters;

thence south 78 degrees 58 minutes west a distance of 17.53
meters;

thence south 78 degrees 07 minutes west a distance of 11.19
meters;

thence south 64 degrees 44 minutes west a distance of 10.05
meters;

thence south 74 degrees 22 minutes west a distance of 19.69
meters;

thence south 70 degrees 16 minutes west a distance of 13.21
meters;

thence south 66 degrees 13 minutes west a distance of 14.15
meters;

thence south 58 degrees 43 minutes west a distance of 12.72
meters;

thence south 67 degrees 55 minutes west a distance of 13.08
meters;

thence south 69 degrees 46 minutes west a distance of 8.57
meters;

thence south 73 degrees 39 minutes west a distance of 6.36
meters;

thence south 68 degrees 46 minutes west a distance of 4.56
meters;

thence south 15 degrees 39 minutes west a distance of 14.61
meters;

thence south 08 degrees 15 minutes west a distance of 11.99
meters;

thence south 28 degrees 30 minutes west a distance of 9.94
meters;

thence south 29 degrees 94 minutes east a distance of 3.21
meters;
thence south 25 degrees 07 minutes east a distance of 2.83 meters;
thence south 02 degrees 25 minutes east a distance of 0.06 meters;
thence south 17 degrees 10 minutes west a distance of 4.88 meters;
thence north 25 degrees 19 minutes west a distance of 11.90 meters;
thence south 04 degrees 54 minutes west a distance of 30.74 meters;
thence south 04 degrees 40 minutes west a distance of 0.87 meters;
thence south 08 degrees 07 minutes west a distance of 15.22 meters to a point on the northerly right-of-way line of Marine Drive;
thence westerly along said line north 25 degrees 04 minutes west a distance of 10.06 meters;
thence leaving said right-of-way line, north 14 degrees 09 minutes west a distance of 1.77 meters to a point on the seaward side of the Agana Boat Basin wall, said point being also on the mean lower low water line;
thence northeasterly and southeasterly along said mean lower low water line to the point of beginning;
containing an area of 106,500 square meters or 26.33 acres, more or less.

Sec. 2. The property conveyed by the section 1 of this Act shall be subject to the condition that the property shall be used solely for civic, park, and recreational purposes, and if it shall ever cease to be used for such purposes, or if the Government of Guam should ever sell or otherwise dispose of such land or any part thereof, title thereto shall revert to the United States, which shall have the right of immediate entry thereon.

Sec. 3. There is hereby granted to the Government of Guam all of the right, title, and interest of the United States in and to all of those lands, including filled lands, submerged lands, and tidelands, together with all structures and improvements thereon, located in Guana, and known as the Agana Boat Basin, more particularly described as follows:

Beginning at a point, the coordinates of which are east 48,097.769 meters, north 30,579.918 meters, Land and Claims Commission 1945 triangulation system, said point being common to the boundary of Paseo de Susana and described as a point on the seaward side of the Agana Boat Basin wall, said point also being on the mean lower low water line—
thence along said wall, being also along said mean lower low water line, south 08 degrees 30 minutes west a distance of 4.00 meters;
thence north 04 degrees 13 minutes west a distance of 13.35 meters;
thence south 86 degrees 22 minutes west a distance of 17.73 meters;
thence leaving said wall and mean lower low water line south 18 degrees 17 minutes west a distance of 18.18 meters;
thence south 00 degrees 21 minutes east a distance of 1.33 meters to a point on the northerly right-of-way line of Marine Drive;
thence westerly along said right-of-way line north 25 degrees 03 minutes west a distance of 307.11 meters;
thence leaving said northerly right-of-way line north 01 degrees 55 minutes east a distance of 124.84 meters;
thence north 82 degrees 04 minutes east a distance of 309.35 meters, more or less, to a point on the boundary of Paseo de Susana and being on the mean lower low water line;
thence southerly and westerly along said mean lower low water line and Agana Boat Basin wall to the point of beginning;
containing an area of 23,332.58 square meters, or 5.68 acres, more or less.

Sec. 4. The property conveyed by section 3 of this Act shall be subject to the condition that the property shall be used solely for civic, park, and recreational purposes, and as a boat basin, and if it shall ever cease to be used for such purposes, or if the Government of Guam should ever sell or otherwise dispose of such land or any part thereof, title thereto shall revert to the United States, which shall have the right of immediate entry thereon.

Approved July 16, 1940.
ORGANIC ACT

THE EXECUTIVE BRANCH

§ 1422. Governor and Lieutenant Governor; term of office; qualifications; powers and duties; annual report to Congress. The executive power of Guam shall be vested in an executive officer whose official title shall be the "Governor of Guam." The Governor of Guam, together with the Lieutenant Governor, shall be elected by a majority of the votes cast by the people who are qualified to vote for the members of the Legislature of Guam. The Governor and Lieutenant Governor shall be chosen jointly, by the casting of each voter of a single vote applicable to both offices. If no candidates receive a majority of the votes cast in any election, on the fourteenth day thereafter a runoff election shall be held between the candidates for Governor and Lieutenant Governor receiving the highest and second highest number of votes cast. The first election for Governor and Lieutenant Governor shall be held on November 3, 1970. Thereafter, beginning with the year 1974, the Governor and Lieutenant Governor shall be elected every four (4) years at the general election. The Governor and Lieutenant Governor shall hold office for a term of four (4) years and until their successors are elected and qualified.

No person who has been elected Governor for two (2) full successive terms shall again be eligible to hold that office until one (1) full term has intervened.

The term of the elected Governor and Lieutenant Governor shall commence on the first Monday of January following the date of election.

No person shall be eligible for election to the office of Governor or Lieutenant Governor unless he is an eligible voter and has been for five (5) consecutive years immediately preceding the election a citizen of the United States and a bona fide resident of Guam and will be, at the time of taking office, at least thirty (30) years of age. The Governor shall maintain his official residence in Guam during his incumbency.

The Governor shall have general supervision and control of all the departments, bureaus, agencies, and other instrumentalities of the executive branch of the government of Guam. He may grant pardons and reprieves and remit fines and forfeitures for offenses against local laws. He may veto any legislation as provided in this chapter. He shall appoint, and may remove, all officers and employees of the executive branch of the government of Guam, except as otherwise provided in this or any other Act of Congress, or under the laws of Guam, and shall commission all officers that he may be authorized to appoint. He shall be responsible for the faithful execution of the laws of Guam and the laws of the United States applicable in Guam. Whenever it becomes necessary, in case of disaster, invasion, insurrection, or rebellion, or imminent danger thereof, or to prevent or suppress lawless violence, he may summon the posse comitatus or call out the militia or request assistance of the senior military or naval commander of the Armed Forces of the United States in Guam, which may be given at the discretion of such commander if not disruptive of, or inconsistent with, his Federal responsibilities. He may, in case of rebellion or invasion, or imminent danger thereof, when the public safety requires it, proclaim the island, insofar as it is under the jurisdiction of the government of Guam, to be under martial law. The members of the Legislature shall meet forthwith on their own initiative and may, by a two-thirds (2/3) vote, revoke such proclamation.

The Governor shall make to the Secretary of the Interior an annual report of the transactions of the government of Guam for transmission to the Congress and such other reports as such other times as may be required by the Congress or under applicable Federal law. He shall have the power to issue executive orders and regulations not in conflict with any applicable law. He may recommend bills to the Legislature and give expression to his views on any matter before that body.

There is hereby established the office of Lieutenant Governor of Guam. The Lieutenant Governor shall have such executive powers and perform such duties as may be assigned to him by the Governor or prescribed by this chapter or under the laws of Guam. (As amended September 11, 1958, Pub.L. 90-497, § 1, 82 Stat. 842.)
Bill No.

Introduced by

AN ACT TO ABOLISH THE CENTRAL PLANNING COUNCIL.

BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:

Section 1. Sections 62012 and 62013 of the Government Code of Guam, establishing the Central Planning Council, are hereby repealed.

Section 2. Sections 62014, 62015 and 62016 are hereby renumbered respectively 62012, 62013 and 62014 and all references to "Council" in such sections are amended to "Bureau."

Section 3. Section 62017 is hereby renumbered to 62015 and amended as follows:

"Section 620175. Bureau of Planning. There is created within the Office of the Governor, the Bureau of Planning, (hereinafter referred to as "BP") to serve as staff for the Council and to administer central planning functions. The director of the BP will carry the title 'Director of Planning' and shall be a person who as a result of his training, experience, and attainments is exceptionally well qualified to analyze and interpret development trends and information of all kinds, to appraise and coordinate planning programs and supervise the execution of the responsibilities of the Council in accordance with the policies set forth in this Chapter. The Director's salary shall be not less than Twenty-Six-Thousand Dollars ([$26,000]) Twenty-Nine Thousand Nine Hundred Dollars ($29,900) per annum. He shall be responsible for the administration of this Chapter and shall supervise the BP staff, which, in addition to its regular duties, shall serve the Council."

Section 4. Section 62019 is hereby renumbered to 62017 and subpart (f) of such section is repealed.

Subsections 62013(a), (c), (d) and (f) are hereby renumbered respectively to 62017 (f), (j), (k) and (l).

Section 5. Sections 62018, 62020 and 26021 are hereby renumbered respectively to 62016, 62018 and 62019.
AN ACT TO AMEND THE DEFINITION OF THE SEASHORE RESERVE.

BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:

Section 1. Section 13412(c) of the Government Code of Guam is repealed and reenacted to read:

"(c) 'Seashore Reserve' means that land and water area of Guam extending seaward to the ten fathom contour, including all offshore islands within the Government's jurisdiction in their entirety and extending inland to such boundaries as are delineated on the official Seashore Reserve Map."