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**CHAPTER 66
BUILDING LAW**

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§ 66101. Title.

This Chapter may be cited as the Building Law of Guam.

SOURCE: GC § 31000.

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§ 66102. Purpose.

The purpose of this Chapter is to secure and promote the safety, health and general welfare of the people of the Territory of Guam by providing standards for the location, design, material, construction, alteration, repair, building service equipment, maintenance, use, occupancy, moving, removal and demolition of buildings, structures and appurtenances thereto in the Territory of Guam.

SOURCE: GC § 31001.

§ 66103. Compliance.

All buildings and structures, appurtenances connected and attached thereto, or equipment thereof, which are erected, constructed, installed or moved within the Territory of Guam after the effective date of this Chapter shall comply with all provisions of this Chapter; provided, however, that as to structures designed as single family dwellings such structures shall comply with the provisions of this Chapter only if they are located or are to be located within an organized village having public utilities. The location and boundaries of such organized villages for the purposes of this Law shall from time to time be designated and redesignated and defined and redefined by Executive Order of the Governor of Guam.

SOURCE: GC § 31002.

§ 66104. Application to Existing Buildings.

(a) General. Buildings or structures to which additions, alterations or repairs are made shall comply with all the requirements for new buildings or structures except as specifically provided in this Section.

(b) Addition, Alterations and Repairs: More than Fifty Percent (50%). When additions, alterations or repairs within any 12-month period exceed fifty percent (50%) of the value of an existing building or structure, such building or structure shall be made to conform to the requirements for new buildings or structures.

(c) Additions, Alterations and Repairs: Twenty-Five Percent (25%) to Fifty Percent (50%). Additions, alterations and repairs

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exceeding twenty-five percent (25%) but not exceeding fifty percent (50%) of the value of an existing building or structure and complying with the requirements for new buildings or structures may be made to such building or structure within any 12-month period without making the entire building or structure comply. The new construction shall conform to the requirements of this Chapter for a new building of like area, height and occupancy. Such building or structure, including new additions, shall not exceed the areas and heights specified in this Chapter.

(d) Additions, Alterations and Repairs: Twenty-Five Percent (25%) or Less. Structural additions, alterations and repairs to any portion of an existing building or structure, within any 12-month period, not exceeding twenty-five percent (25%) of the value of the building or structure, shall comply with all of the requirements for new buildings or structures, except that minor structural additions, alterations, or repairs, which are made by the building owner, lessee, or their full-time employees, families or friends, and not made by a hired contractor, which do not affect structural design or integrity of the house such as, but not limited to, painting, dry wall repair, finishing, siding, plumbing, interior wall construction or electrical repairs, may be made with the same material of which the building or structure is constructed, and may be made without application or notice to the building official. Such building or structure, including new additions, shall not exceed the areas in height specified in this Chapter.

(e) Nonstructural Alterations and Repairs: Twenty-Five Percent (25%) or Less. Alterations or repairs, not exceeding twenty-five percent (25%) of the value of an existing building or structure which are nonstructural and do not affect any member or part of the building or structure having required fire resistance, and which are made by the building owner, lessee, employee, family or friends and not made by a hired contractor, may be made with the same materials of which the building or structure is constructed, and may be made without a building permit, application or notice, to the building official when made within any twelve-month period.

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(f) Repairs: Roof Covering. Not more than twenty-five percent (25%) of the roof covering of any building or structure shall be replaced in any 12-month period unless the new roof covering is made to conform to the requirement of this Chapter for new buildings or structures. Roof coverings which are twenty-five percent (25%) or less, and are replaced within a 12-month period, when replaced by the building owner, and are not replaced by a hired contractor, may be made without building permit, application or notice to the building official.

(g) Existing Occupancy. Buildings in existence at the time of the passage of this Chapter may have their existing use or occupancy continued if such use or occupancy was legal at the time of the passage of this Chapter, provided such continued use is not dangerous to life.

(h) Maintenance. All buildings or structures, both existing and new and all part thereof, shall be maintained in a safe and sanitary condition. All devices or safeguards which are required by this Chapter in a building or structure when erected, altered or repaired, shall be maintained in good working order. The owner or his designated agent shall be responsible for the maintenance of buildings and structures.

(i) Unsafe Building Appendages. Parapet walls, cornices, spires, towers, tanks, statuary and other append ages or structural members which are supported by, attached to or a part of a building and which are in a deteriorated condition or are otherwise unable to sustain the design loads which are specified in this Chapter, are hereby designated as unsafe building appendages. All such unsafe building appendages are public nuisances and shall be abated in accordance with § 66504 or § 66506 of this Chapter.

(j) Historic Buildings. Repairs, alterations and additions necessary for the preservation, restoration, rehabilitation or continued use of a building or structure may be made without conformance to all of the requirements of this Chapter, when authorized by the building official provided:

- (1) the building or structure has been placed on the Guam Register of Historical Places;

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(2) any unsafe conditions will be corrected in accordance with approved plans;

(3) any substandard conditions will be corrected in accordance with approved plans; and

(4) the restored building or structure will be less hazardous, based on life and fire risk, than the existing building.

SOURCE: GC § 31003 repealed and reenacted by P.L. 14-112:2 (Mar. 29, 1978); subsection (j)(1) amended by P.L. 17-076:1 (Dec. 11, 1984). Subsections (d), (e) and (f) as amended by P.L. 19-051:2, 3 & 4 (Dec. 31, 1988).

§ 66105. Exception: Painting, Cleaning or Fencing.

Notwithstanding any provision of law, a building permit, application or notice to the building official shall not be required to paint or clean any building or structure or to build any fence which otherwise complies with government of Guam laws, rules and regulations.

SOURCE: Enacted by P.L. 19-051:5 (Dec. 11, 1984); codified by Compiler.

§ 66106. Compliance Required.

No building or structure shall be constructed, extended, repaired or altered in violation of the provisions of this Chapter, except for ordinary repairs as defined in § 66104(f) and except further that the raising or lowering or moving of a building or structure as a unit necessitated by a change in legal grade or widening of a street shall be permitted; provided, that the building or structure is not otherwise altered or its use or occupancy changed.

SOURCE: GC § 31004.

2016 NOTE: Pursuant to the authority granted by 1 GCA § 1606, the reference to section 31003(f) of the Government Code was altered to reflect its codification in the GCA.

§ 66107. Additional Requirements Not Covered.

Any requirement essential for structural, fire or sanitary safety of an existing or proposed building or structure, or essential for the safety of the occupants thereof and which is not

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specifically covered by this Chapter shall be determined by the Director of Public Works.

SOURCE: GC § 31005.

§ 66108. Maintenance.

All buildings and structures and all parts thereof, both existing and new, shall be maintained in a safe and sanitary condition.

SOURCE: GC § 31006.

§ 66109. Administration and Enforcement.

The administration and enforcement of the provisions of this Chapter shall be the responsibility and duty of the Director of Public Works or his designated representatives, who for such purposes shall be known as the building official.

SOURCE: GC § 31007 as amended by P.L. 14-112:3 (Mar. 29, 1978).

§ 66110. Delegation of Authority.

The Director of Public Works is hereby empowered to delegate any authority granted herein, except the authority to promulgate rules and any regulations as hereinafter set forth in § 66116, to any employee of the Department of Public Works. Any duty prescribed herein to be performed by the Director of Public Works may be assigned to any employee of the Department of Public Works and the Director of Public Works shall establish and furnish to each such employee appropriate credentials to be used in the performance of his official duties.

SOURCE: GC § 31008.

§ 66111. Restrictions on Employees.

No employee or officer engaged in administering or enforcing the provisions of this Chapter shall engage in any activity inconsistent with his duties under this Chapter; and no such officer and employee so employed shall during the term of his employment, be engaged directly or indirectly in any building business, enter into any building contracts or furnish building materials, plans or specifications for others. This section shall not be construed to prohibit any employee from contracting for the construction of a building or structure for his own use.

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SOURCE: GC § 31009.

§ 66112. Employees Relieved of Liability.

Any officer or employee duly charged with the enforcement of this Chapter, acting for the government of Guam in the discharge of his duties, shall not thereby render himself liable personally, and he is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties. Any such suit brought against any officer or employee because of such act performed by him in the enforcement of any provision of this Chapter shall be defended by the Attorney General until the final termination of the proceedings.

SOURCE: GC § 31010.

§ 66113. Building Records.

The Director of Public Works shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspections, and notices, rules, regulations, decisions and orders issued. File copies of all papers in connection with building operations shall be retained in the official records so long as the building or structure to which they relate remains in existence.

SOURCE: GC § 31011 from the original Government Code of Guam enacted in 1952. Former subsection (a) was repealed by P.L. 14-112:8 (Mar. 29, 1978).

§ 66114. Report to Governor.

The Director of Public Works shall annually submit a report to the Governor of Guam which report shall include a summary of all permits and certificates issued, rules, regulations and other promulgated, and materials approved.

SOURCE: GC § 31012.

§ 66115. Cooperation.

Officials of other departments in the government of Guam exercising any degree of control over construction, use or occupancy of buildings or structures, appurtenances connected or attached thereto or equipment thereof, under other applicable

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laws of Guam shall cooperate and assist in the enforcement of the provisions of this Chapter. Any territorial employee empowered to make inspections of such structures shall promptly report to the head of his department any violations of the provision of this Chapter. Such department head shall promptly communicate the violation to the Director of Public Works.

SOURCE: GC § 31013.

§ 66116. Purpose; Rules and Regulations.

(a) The provisions of this Chapter are designed to set forth the standards of safety, strength, sanitation and fire resistance and the express approval of certain materials, methods, devices or equipment which will satisfy these same standards.

(b) In furtherance of the intent of subsection (a) of this section the Director of Public Works may formulate and promulgate, and may amend or repeal regulations supplementary to and not inconsistent with the provisions of this and other applicable Federal and territorial laws. Said regulations shall have the force and effect of law and shall be concerned with the uses of alternate materials, methods, devices, equipment and tests which are deemed acceptable as meeting the standards established by or pursuant to this Chapter; and with such other matters as the Director of Public Works may, from time to time, deem necessary in order to effectuate the express purposes of this Chapter. It is the intent of this section that the standards of the governmental agencies and recognized national technical organizations listed in this Chapter shall serve as a guide in prescribing regulations promulgated pursuant to this Chapter.

SOURCE: GC § 31014.

NOTE: P.L. 13-040:1 repealed and reenacted that portion of the Administrative Adjudication Law specifying procedures which must be followed by government departments and agencies in order to promulgate rules and regulations. The law governing same is now set out in Art. 3, Chapter 9 of Title 5 Guam Code Annotated, Government Operations.

§ 66117. Regulations.

(a) No regulation of the Director of Public Works issued pursuant to this Chapter shall become effective until fifteen (15)

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days after notice of intention to enforce it shall have been given in a newspaper in general circulation in the Territory of Guam, and until a public hearing shall have been held; provided, that said public hearing shall not be necessary unless a written request shall have been made for such hearing during the four (4) weeks following publication. Such regulation must be drawn in its proposed form and open to public inspection at the time the notice to enforce is published.

(b) Any regulation may be amended or repealed by the same procedure prescribed for the adoption of new rules.

(c) The Director of Public Works, not less than thirty (30) days subsequent to the publishing of the notice to enforce, may make such regulations effective by publication, in a newspaper of general circulation in the Territory of Guam, of a statement to the effect that such regulation has been adopted and that three (3) certified copies of the complete regulation are now available for public use at the office of the Director of Public Works.

SOURCE: GC § 31015.

§ 66118. Discretion to Adapt to Circumstances.

The Director of Public Works may vary or modify the application of any provision of this Chapter or of any regulation adopted pursuant thereto, consonant with the spirit and intent of the law, upon application of the owner or his representative, if any of the following conditions:

(a) When there are practical difficulties involved in carrying out structural or mechanical provisions of this Chapter or of a regulation adopted pursuant thereto, or

(b) Where the proposed variation or modification will not substantially affect the structural integrity designed to be achieved by the provisions of this Chapter or of any regulation adopted pursuant thereto.

SOURCE: GC § 31016.

§ 66119. New or Alternate Materials.

(a) Any new or alternative materials, methods, devices or equipment may be used by their proponent only when the

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proposed use has been expressly authorized in writing by the Director of Public Works in execution of the broad policy set forth in Section § 66116(a) of this Chapter. The Director of Public Works may promulgate procedures not inconsistent with rules, regulations and standards in addition to the provisions of the National Codes adopted in this Chapter to adopt or to accommodate circumstances and materials which affects the energy, efficiency and construction costs of single-family dwellings. Such procedures, rules, regulations and standards shall be promulgated in accordance with Sections 66116 and 66117 of this Chapter.

(b) The proponent shall file, in addition to his application for a building permit, a request for authorization to use the proposed new or alternate material, method, device or equipment, accompanied by proof in support of his claims regarding the consistency of the proposed use with the standards established by this Chapter. Such proof shall consist of a complete report from an approved laboratory listed in this Chapter on the performance characteristics of the subject matter to meet the proposed use as set forth in the application for a building permit.

(c) The Director of Public Works, within a reasonable time after submission of the request for authorization of the proposed use, shall approve or disapprove such use. Said approval or disapproval shall be in writing, and shall set forth the basis of said Director's decision. Any approval shall require the applicant to utilize such material, method, device or equipment in strict conformity with the terms of the approval.

SOURCE: GC § 31017. Subsection (a) as amended by P.L. 17-076:2 (Dec. 11, 1984).

§ 66120. Prohibitions.

It shall be unlawful to construct, enlarge, alter, remove or demolish, or change the occupancy of a building from one use group to another requiring greater strength, exit or sanitary provisions, or to change to a prohibited use, or to install or alter any equipment for which provision is made or the installation of which is regulated by this Chapter, without first filing an application with the building official in writing, and obtaining

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the required permit therefor; except that ordinary repairs as defined in 66104(f) which do not involve any violation of this Chapter shall be exempt from this provision.

SOURCE: GC § 31018.

2016 NOTE: Pursuant to the authority granted by 1 GCA § 1606, the reference to section 31003(f) of the Government Code was altered to reflect its codification in the GCA.

**ARTICLE 2
APPLICATION FOR PERMIT; PERMIT**

- § 66201. Application for Permit.
- § 66202. Same: Who May Make.
- § 66202.1. Clearing and Grading Permit Required for Government Agencies.
- § 66203. Same: Content.
- § 66204. Same: Additional Information Required.
- § 66205. Same: Plot Plan Required.
- § 66206. Same: Additional Details Required.
- § 66207. Same: Examination.
- § 66208. Same: Action Upon.
- § 66209. Same: Endorsement.
- § 66210. Approved Plans: Changes Prohibited.
- § 66211. Same: Disposition of.
- § 66212. Permit.
- § 66213. Special Permit.
- § 66214. Cessation in Building.

§ 66201. Application for Permit.

The application for a permit shall be submitted in such form as the building official may prescribe and shall be accompanied by the required fee as prescribed in § 66408.

SOURCE: GC § 31019.

§ 66202. Same: Who May Make.

Application for a permit shall be made by the owner or lessee of the property, or agent of either, or by the licensed

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engineer or architect employed in connection with the proposed work. If the application is made by a person other than the owner in fee, it shall be accompanied by a duly verified affidavit of the owner in fee that the applicant is authorized to make such application. The full names and addresses of the owner, lessee, applicant and, where the owner or lessee is a corporation, the responsible officers shall be stated in the application.

SOURCE: GC § 31020.

§ 66202.1. Clearing and Grading Permit Required for Government Agencies.

(a) A permit for Clearing, Grading, and Construction shall be required of government, autonomous, and public entities in the same manner as private citizens.

An application for the permit shall be submitted to the Department of Public Works by the entity who owns the property, or which is to authorize, complete, or contract for the proposed project on government land, with the approval of the following agencies indicated on the application to the Department of Public Works: Department of Land Management, Zoning Division; Department of Parks and Recreation; Guam Power Authority; Guam Environmental Protection Agency; Guam Geodetic Network Survey Division; Department of Agriculture; and the Department of Public Works. No fee shall be charged for government application for a permit pursuant hereto and the application shall be submitted in such form as the Building Official may prescribe. Government entities shall be subject to all other applicable provisions of this Chapter. Clearing, grading, or construction shall not begin on any government property or project in violation of this statute. Building Officials and Guam Peace Officers are authorized to issue citations to violators of this Section in accordance with the rules and regulations promulgated by the Department of Public Works in this regard. Officers acting in violation of this statute shall be held personally liable for all damages resulting therefrom, and shall be subject to a fine of One Thousand Dollars (\$1,000) for each offense, and may be fined up to Five Thousand Dollars (\$5,000) for violations after the third violation of this Section.

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(b) Government, autonomous, and public entities shall *not* be required to obtain the permit required in Subsection (a) for work done in response to typhoons, earthquakes, or other natural disaster or emergency as declared by *I Maga'lahaen Guåhan* and requiring an immediate response in order to minimize environmental damage, restore utility services, or protect utility systems.

SOURCE: Added by P.L. 27-111. Amended by P.L. 31-081:1 (Sept. 30, 2011).

§ 66203. Same: Content.

The application shall contain a general description of the proposed work, its location, the use and occupancy of all parts of the building or structures and of all portions of the site or lot not covered by the building, and such additional information as may be required by the building official.

SOURCE: GC § 31021.

§ 66204. Same: Additional Information Required.

The application for the permit shall be accompanied by not less than two copies of specifications and of plans drawn to scale, with sufficient clarity and detail dimensions, showing the nature and character of the work to be performed. When quality or its equivalent is used, information shall be given to establish such quality; and in no case shall this Chapter be cited or the term legal specifications or its equivalent be used as a substitute for specific information. The building official may waive the required for filing plans when the work involved is of a minor nature.

SOURCE: GC 31022.

§ 66205. Same: Plot Plan Required.

There shall also be filed a plot plan showing to scale the size and location of all the new construction and all existing structures on the site, distances from lot lines and established street grades; and it shall be drawn in accordance with an accurate boundary-line survey. In the case of demolition, the plot plan shall show all construction to be demolished and the location and size of all existing buildings and constructions that

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are to remain on the site or plot. The building official may waive the requirements of this section when the work involved is of a minor nature.

SOURCE: GC § 31023.

§ 66206. Same: Additional Details Required.

The building official may require adequate details of structural, mechanical and electrical work including computations, stress diagrams and other essential technical data to be filed. All engineering plans and computations shall bear the signature of the engineer or architect responsible for the design.

SOURCE: GC § 31024.

§ 66207. Same: Examination.

The building official shall promptly examine or cause to be examined, each application for a building permit and all materials filed in conjunction therewith, in order to ascertain whether the proposed work is in accordance with the requirements of the provisions of this Chapter. Whenever the actual physical conditions of the proposed work, or the site thereof, are not apparent from the application for a building permit and the materials filed in conjunction therewith, the building official shall examine or cause to be examined the site of the proposed work in order to determine such conditions.

SOURCE: GC § 31025.

§ 66208. Same: Action Upon.

(a) The building official shall act upon each application for a building permit without unreasonable or unnecessary delay. On finding conformity with all the requirements of this and other applicable laws, the building official shall, upon receipt of the required fee, issue the permit to the applicant which shall specifically and clearly state any terms and conditions imposed by the Guam Land Use Commission or the Department of Public Works that are not stated as mandates in the application, plans, or specifications.

(b) If an application for a permit, or the plans and specifications submitted therewith, describe proposed work not

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in conformity with all the requirements of this and other applicable laws, or not in compliance with the Guam Land Use Commission terms and conditions on approval of conditional use, variance, or zone change, or do not contain sufficient information to enable the building official to reach a decision, he shall not issue a permit, but shall return the plans and specifications to the applicant, together with his refusal to issue such permit, and reason therefor. The building official, upon request of the applicant

SOURCE: GC § 31026. Amended by P.L. 36-007:6 (Mar. 5, 2021).

§ 66209. Same: Endorsement.

The building official, upon the issuance of a permit, shall endorse in writing or stamp on both sets of plans and specifications “APPROVED FOR PERMIT #.....” and affix his signature to such endorsement.

SOURCE: GC § 31027.

§ 66210. Approved Plans: Changes Prohibited.

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. In the event that field conditions require variations to permitted specifications or plot layout for ongoing and future projects affecting underground facilities on public easements, permittee shall maintain and file an as built drawing with the Department of Public Works within thirty (30) days of completion of the work. Failure to file as built drawing shall waive the permittee’s or operator’s right to recover from a subsequent contractor for any damage to the underground facilities pursuant to Chapter 71 of Title 21, Guam Code Annotated.

SOURCE: GC § 31028. Amended by P.L. 29-146:2 (Jan. 30, 2009).

§ 66211. Same: Disposition of.

The building official shall retain one set of approved and endorsed plans and specifications with their attached data and return the other set to the applicant. The applicant’s set shall be

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kept at the work site at all times during which the authorized work is in progress, and shall be open to inspection at all reasonable times to the building official or his authorized representative.

SOURCE: GC § 31029.

§ 66212. Permit.

(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 Chapter or of the terms and conditions imposed by the Guam Land Use Commission or the Department of Public Works on the use of the property or project. 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.

(c) Any building permit shall lapse and be void if the work authorized by it is not commenced within twelve (12) months after its issuance; or is suspended or abandoned for a period of twelve (12) months at any time after the work has been commenced; provided, that, for cause, the building official may grant four (4) extensions of 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.

(d) Should any discrepancy or conflict exist between the adopted codes pursuant to Chapter 67 of Title 21, Guam Code Annotated, and any subsection of § 66212 of Chapter 66, Title 21, Guam Code Annotated, the subsection of § 66212 of Chapter 66, Title 21, Guam Code Annotated, shall take precedence.

SOURCE: GC § 31030. Subsection (a) amended by P.L. 36-007:7 (Mar. 5, 2021). Subsection (c) amended by P.L. 36-033:1 (June 11, 2021). Subsection (d) amended by P.L. 36-033:2 (June 11, 2021).

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§ 66213. Special Permit.

The building official may, at his discretion, after receipt of an application for a building permit and pending issuance of such building permit, issue a special permit for the foundations, and without assurance that a building permit for the superstructure will be granted. Such activity as the applicant may undertake under said special permit must be in full compliance with the provisions of this and any other applicable law.

SOURCE: GC § 31031.

§ 66214. Cessation in Building.

Whenever there is a cessation in the authorized construction of any building or structure of more than twelve (12) months, the building official, by written order served upon the permit holder and the owner of the premises, shall require the holder of the permit or said owner to place such premises in a condition of reasonable health and safety in the determination of the building official.

SOURCE: GC § 31032.

**ARTICLE 3
CERTIFICATE OF OCCUPANCY**

- § 66301. Certificate of Occupancy.
- § 66302. Same: Alterations.
- § 66303. Same: Content.
- § 66304. Same: Changes.
- § 66305. Same: Application.
- § 66306. Same: Same: Inspection.
- § 66307. Same: Issuance or Denial.

§ 66301. Certificate of Occupancy.

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 Chapter.

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SOURCE: GC § 31033.

§ 66302. Same: Alterations.

No building or structure hereafter enlarged or extended, or so altered, wholly or in part, as to change its classification or occupancy, shall be occupied or used, in whole or in part, until a certificate of occupancy shall have been issued by the building official certifying that the work for which the permit was issued has been completed in accordance with the provisions of the law; provided, that if the occupancy or use of such building was not discontinued during the work of alteration, the occupancy or use of said building or structure shall not continue for more than thirty (30) days after completion of the alteration unless such certification shall have been issued.

SOURCE: GC § 31034.

§ 66303. Same. Content.

In addition to the certification as to compliance with the provisions of this Chapter, the certificate of occupancy shall state the purposes for which the building may be used in its several parts, the maximum permissible live loads on the several floors, the number of individual persons that may be accommodated in the several stories, in case such number is limited by provision of law or by the permit, and whether the structure is a fully-concrete dwelling installed with typhoon shutters, and shall clearly and specifically state any additional terms and conditions imposed by the Guam Land Use Commission or the Department of Public Works.

SOURCE: GC § 31035. Amended by P.L. 23-128:IV:28(a) (Dec. 12, 1996). Repealed and reenacted by P.L. 24-059:IV:2 (Sept. 12, 1997). Amended by P.L. 36-007:8 (Mar. 5, 2021).

§ 66304. Same: Changes.

(a) No change of occupancy shall be made in a building or structure hereafter erected or altered that is not consistent with the last issued certificate of occupancy, unless a new certificate of occupancy is secured. No change of occupancy that would bring a building or structure under some special provisions of this Chapter shall be made, unless the building official finds, upon inspection, that such building or structure conforms

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substantially to the provisions of law with respect to the proposed new occupancy, and issues a certificate of occupancy therefor.

(b) The occupancy of a building shall not be deemed to have been changed because of a temporary vacancy or change of ownership or tenancy. The re-establishment in a building, after a change of occupancy has been made, of a prior use that would not have been permitted in a new building of the same type of construction, is prohibited. The change from a specifically prohibited use to another specifically prohibited use shall not be made.

SOURCE: GC § 31036.

§ 66305. Same: Application.

Any person desiring a certificate of occupancy as hereinabove required shall, after completion of the work for which the building permit was issued, file with the building official a signed application therefore on a form furnished by the building official stating, in writing, that the work has been completed in compliance with the terms of the construction permit and the provisions of this Chapter.

SOURCE: GC § 31037.

§ 66306. Same: Same: Inspection.

The building official, upon receipt of an application for a certificate of occupancy, shall promptly inspect or cause to be inspected the construction, enlargement, alteration, repair, conversion, movement or improvement of the building, structure or appurtenances, or the installation of equipment for which a building permit was issued in order to ascertain whether the proposed work has been completed in accordance with the requirements of the building permit and the provisions of this Chapter.

SOURCE: GC § 31038.

§ 66307. Same: Issuance or Denial.

(a) If after inspection as provided in § 66306, it is found that the proposed work has been completed in accordance with

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the requirements of the building permit, the terms and conditions set by the Guam Land Use Commission for use of the property, and the provisions of this Chapter, together with the certification issued by the Director of the Department of Revenue and Taxation that the property and all the improvements thereon have been entered into the tax assessment rolls, the building official shall issue a certificate of occupancy. The building official shall keep a permanent record of all certificates of occupancy issued.

(b) If after inspection, as provided in § 66306, it is found that the proposed work has not been completed in accordance with the building permit, the terms and conditions set by the Guam Land Use Commission for use of the property, or the provisions of this Chapter, the building official shall refuse to issue a use permit and shall order the work completed to comply with the building permit or this Chapter.

(c) The building official may issue a temporary use permit for any portion or portions of the premises which may be safely occupied prior to the issuance of a certificate of occupancy.

SOURCE: GC § 31039. Subsection (a) amended by P.L. 23-061:2 (Dec. 5, 1995). Amended by P.L. 36-007:9 (Mar. 5, 2021).

ARTICLE 4
BUILDING INSPECTION

- § 66401. Building Inspection.
- § 66402. Same.
- § 66403. Same.
- § 66404. Tests As Proof of Compliance.
- § 66405. Same: Prefabricated Buildings.
- § 66406. Stoppage of Work for Noncompliance.
- § 66407. Revocation of Permit.
- § 66408. Fees.
- § 66409. Contractual Review of Plans & Permits.

§ 66401. Building Inspection.

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The building official or his authorized representative, insofar as may be necessary in the performance of his duties, upon showing proper credentials, may enter at any reasonable time any building, structure or premises in the Territory of Guam to perform any duty imposed upon him by this Chapter. Any person or persons interfering with the building official or his authorized representative in the performance of such duties shall be liable to the penalties hereinafter provided.

SOURCE: GC § 31040.

§ 66402. Same.

(a) The building official, in order to accomplish the express purpose of this law as set forth in § 66102, shall inspect or cause to be inspected from time to time, but not less than once every three (3) years, all buildings, structures, appurtenances and equipment in order to verify proper maintenance, continues compliance with the applicable provisions of this Chapter and with such other laws, rules and regulations as may be applicable.

(b) Whenever in the opinion of the building official, any part of the structural frame or construction of any building, structure, or equipment is in an unsafe or unsanitary condition, he may order such portions of the structural frame or construction of the building, structure or equipment exposed for inspection.

(c) The building official shall record the findings from such inspections in the current record as provided for in § 66113.

SOURCE: GC § 31041.

§ 66403. Same.

(a) The building official shall inspect or cause to be inspected from time to time during the progress of work thereon, all buildings or structures for work on which a building permit has been issued and is outstanding. A record shall be made of every inspection and of all violations of the provisions of this Chapter as discovered by such inspection and of other applicable laws, rules and regulations.

(b) The Director of Public Works shall promulgate rules and regulations concerning the required inspections, reinspection and

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special inspection. Promulgation of these rules and regulations shall be done in accordance with § 66116(a) and the Administrative Adjudication Law.

(c) The Director of Public Works shall require inspection of an elevator by an official inspector each time the derailment of a counterweight is indicated by the appropriate detection device. Such inspection shall be performed before the elevator may be returned to service.

(d) Inspections: general. All construction or work for which a permit is required shall be subject to inspection by the building official and all such construction or work shall remain accessible and exposed for inspection purposes until approved by the building official. In addition, certain types of construction shall have continuous inspection as specified in Sections 305, 306 and 307 of the 1991 edition of the Uniform Building Code promulgated by the International Conference of Building Officials (the "UBC"), or its equivalent in the 2009 International Building Code and related codes, which sections are hereby incorporated by reference in the Building Law of Guam, except that subsections (d) and (e) of subparagraph (c) of said Section 306 of the UBC, or its equivalent in the 2009 International Building Code and related codes, permitting the waiver of special inspections, and periodic special inspections, respectively, are not included in the incorporation of such section in the Building Law of Guam and shall not be so incorporated except by specific statute.

(e) [Repealed].

SOURCE: GC § 31042 as amended by P.L. 14-112:4 (Mar. 29, 1978); Subsection (d) added by P.L. 22-83:2; Subsection (e) added by P.L. 22-83:3. Subsection (d) amended by P.L. 30-199:18 (Sept. 21, 2010). Subsection (e) repealed by P.L. 30-199:19 (Sept. 21, 2010).

§ 66404. Tests as Proof of Compliance.

(a) Whenever there is insufficient evidence that any material or any construction does not conform to the requirements of this Title, or in order to substantiate claims for alternate materials or methods of construction, the building official may require tests

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as proof of compliance to be made at the expense of the owner or his agent by an approved agency or laboratory listed in this Title.

(b) Tests shall be in accordance with generally recognized standard test procedures for the proposed use. In the absence of such standard test procedures, the building official shall specify the test procedure.

(c) The building official may require tests to be repeated, if at any time he has reason to believe that an approved use no longer conforms to the requirements upon which the approval was based.

SOURCE: GC § 31043.

§ 66405. Same: Prefabricated Buildings.

Where the unit or component parts of a prefabricated building are not readily accessible to inspection, the building official may accept a certification from an approved national testing agency that the building is identical with a specimen previously approved by the national authority.

SOURCE: GC § 31044.

§ 66406. Stoppage of Work for Noncompliance.

(a) Upon notice from the building official that work on any building or structure is being prosecuted in violation of the provisions of this or other applicable laws, or rules and regulations issued pursuant thereto, or in violation of any of the terms and conditions imposed upon the issuance of a zone change, variance, or conditional use permit approved by the Guam Land Use Commission, or in an unsafe and dangerous manner, such work shall be immediately stopped.

(b) The stopwork order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person in charge of the work; and shall state the conditions under which work may be resumed.

(c) The building official may require that work be stopped on oral notice, pending issuance of a written order, in these instances where he deems immediate action is necessary for public safety.

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SOURCE: GC § 31045. Subsection (a) amended by P.L. 36-007:10 (Mar. 5, 2021).

§ 66407. Revocation of Permit.

The building official shall revoke a permit or approval issued under the provisions of this law:

(a) in any case of a false statement or misrepresentation as to a material fact in any application or plans and specifications in which the permit was issued, or approval given;

(b) in any case in which a permit was issued in error and conditions are such that a permit should not have been issued;

(c) in any case where a building permit owner refuses to comply with a stopwork order issued under the provisions of § 66406; and

(d) in any case of noncompliance with any of the terms and conditions of a zone change, variance, or conditional use permit by the Guam Land Use Commission.

SOURCE: GC § 31046. Amended by P.L. 36-007:11 (Mar. 5, 2021).

§ 66408. Fees.

Building Permit Fees. A fee for each permit issued by the building official in connection with any work covered by this Chapter shall be paid to the Treasurer of Guam. The building Official shall charge fees as set forth in Table 3A of the latest edition of the Uniform Building Code (UBC) except that the building permit fee for a single family residence or storage facility, cooking facility, fence or any other improvement for residential use whether such improvement is attached to the dwelling or not, shall be one-half (½) applicable fee in Table 3-A. The determination of value or valuation under any of the provisions of this Chapter 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.

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Where work for which a permit is required by this Chapter is started or proceeded with prior to obtaining said permit, the fees specified in Table 3A of the latest 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 Chapter in the execution of the work nor from any other penalties prescribed herein.

SOURCE: GC § 31047. Subsection (c) amended by 12-152:3 (July 2, 1974); § 31047 repealed and reenacted by P.L. 14-112:5 (Mar. 29, 1978); subsection (a) amended by P.L. 15-090:16 (Jan. 8, 1980).

NOTE: Reference to latest edition of the Uniform Building Code made pursuant to P.L. 17-076:4 (Dec. 11, 1984).

2013 NOTE: Subsection designation deleted to adhere to the Compiler's general codification scheme in accordance to the authority granted by 1 GCA § 1606.

§ 66409. Contractual Review of Plans & Permits.

(a) Legislative Findings and Intent. The Legislature finds that the Building Permits and Design Analysis Section of the Department of Public Works is currently backlogged with plan reviews and building inspections, which backlog causes developers many problems with their loans and building plans because of the time involved in drawing plans and getting the plans approved by the various agencies of the government of Guam. The backlog also causes contractors problems with long periods of no work until the plans are approved and permitted, and with long delays waiting for inspections during the construction phase. It is the intent of the Legislature that the government of Guam encourage more construction in all areas by eliminating such a backlog and such long waiting periods. In order to alleviate some of the backlog in required plan reviews and phase inspections by the Building Permits and Design Section, the Legislature finds it appropriate to allow the Section to contract for professional architects and engineers to conduct such plan reviews and inspections.

(b) Outside Architects and Engineers. Notwithstanding any other provision of law, the Building Permits and Design Analysis Section of the Department of Public Works, acting through the building official, is authorized to contract for plan reviews and

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building inspection services using licensed Guam architects and engineers.

(c) Creation of Revolving Fund. On the effective date of this Section, a revolving fund, designated as the “DPW Building and Design Fee Account,” *shall* be established separate and apart from other funds of the government of Guam, and separate records *shall* be kept therefore.

(1) All fees collected for plan checking reviews by the Department of Public Works *shall* be deposited into the Fund, and *shall not* lapse at the end of the fiscal year but *shall* rollover into the next fiscal year or until expended.

(2) Twenty-five percent (25%) of all fees collected pursuant to § 66408 of this Chapter *shall be* deposited into the Fund for the *sole* purpose of hiring licensed professional engineers in the unclassified service and *shall not* lapse at the end of the fiscal year and *shall* continue until fully expended.

(3) The Director of Public Works *shall* administer the Fund and *shall* issue vouchers properly certifying the use of the Fund’s monies.

(4) The monies deposited in the Fund *shall* be expended *only* for the operations of the Division of Engineering-Capital Improvement Project Building Permits and Inspection Section.

(5) The Director *shall* comply with all existing reporting requirements by issuing a quarterly accounting of the Fund to *I Maga’låhen Guåhan, I Liheslaturan Guåhan* and the Office of Public Accountability.

(6) The Director *shall* ensure the DPW Building and Design Fee Account Fund is in compliance with all existing statutes, rules and regulations, codes, executive orders, and any other authority which is applicable to the Department of Public Works Division of Engineering-Capital Improvement Project Building Permits and Inspection Section.

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(7) All monies in the Fund are hereby appropriated and are *not* subject to *I Maga'låhi's* transfer authority.

(8) Nothing in this Section shall be construed to prohibit the Director from expending monies deposited in the Fund for the purpose of funding positions in the Department of Public Works Division of Engineering-Capital Improvement Project Building Permits and Inspection Section.

(d) Commencement of contracted services. To ensure that there is no impact on the General Fund for such plan reviews and building inspections, no funds may be used from the General Fund to pay therefor. Plan reviews and inspections may be contracted out when adequate funds have accumulated in the DPW Building & Design Fee Account to defray the costs of such contractual services.

(e) List of Approved Architects and Engineers. To ensure a fair and equitable distribution of contracts among available architects and engineers, the building official shall establish a list of approved architects and engineers which shall be used on a rotating basis to solicit proposals for contracts to provide plan reviews and inspections. All architects and engineers on such list must be licensed on Guam.

(f) Fees. Fees charged for plan reviews and inspections that are contracted out shall be determined by soliciting proposals with the fees to be the lowest accepted by the architects and engineers on the approved list.

(g) Quarterly Reports. The building official shall submit a quarterly report to the Speaker of the Legislature detailing the number of plan reviews and building inspections that have been conducted under this section.

SOURCE: Added by P.L. 22-110:1. Subsection (c) repealed by P.L. 28-068:II:II:9 (Sept. 30, 2005), reenacted by P.L. 30-118:2 (Apr. 1, 2010), amended by P.L. 31-233:XII:33 (Sept. 7, 2012), amended by P.L. 32-068:XII:21 (Sept. 11, 2013), and amended by P.L. 33-066:XII:33 (Sept. 5, 2015).

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**ARTICLE 5
UNSAFE STRUCTURES**

- § 66501. Unsafe Structures.
- § 66502. Same: Examination.
- § 66503. Same: Same: Report.
- § 66504. Same: Order to Vacate.
- § 66505. Same: Same.
- § 66506. Same: Actual and Immediate Danger.
- § 66507. Prohibition and Penalty.
- § 66508. Territorial Land Use Commission: Appeals.

§ 66501. Unsafe Structures.

(a) All unsafe buildings and structures are hereby declared to be illegal, and shall be vacated and either repaired or demolished, in accordance with the procedure established by this Chapter.

(b) For the purpose of this Chapter, unsafe buildings are all buildings and structures or equipment thereof which are structurally unsafe, or which are unsanitary, or which are unfit for human habitation, or are not provided with adequate means of egress, or which constitute a fire hazard, or are otherwise dangerous to human life or safety, or which in relation to existing uses constitute a hazard to the safety of the public or occupants by reason of inadequate maintenance, dilapidation, obsolescence or abandonment.

(c) A vacant structure not secured against entry shall be deemed unsafe.

SOURCE: GC § 31048. P.L. 32-157:3 (May 21, 2014) amended subsections (a) and (b) and added subsection (c), effective 180 days from enactment.

§ 66502. Same: Examination.

The building official shall examine or cause to be examined every unsafe or damaged building or structure. He shall make or cause to be made, a written record of such examination, which shall set forth a factual description of the premises and specifically enumerate the particular conditions which are

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alleged to be violations of the provisions of this Chapter or otherwise render such buildings unsafe.

SOURCE: GC § 31049.

§ 66503. Same: Same: Report.

(a) The building official, whenever he shall make a finding, as a result of the examination required in § 66502, *shall*:

(1) Notify in writing, by personal service, certified mail, or registered mail, the owner, occupant, lessee, mortgagee, agent, and other persons having an interest in said building as shown by the land records of the Department of Land Management, that the building or structure is unsafe, and that:

(A) the owner must vacate and either repair or demolish said building or structure in accordance with the terms of the notice and of this Chapter;

(B) the occupant or lessee must vacate said building, or prove it repaired in accordance with the terms of the notice and of this Chapter; and

(C) said mortgagee, agent, or other persons having an interest in said building, must vacate and may, at his own risk, repair or demolish said building or have such work or act done. Any person notified under this Subsection to vacate and either repair or demolish any building *shall* be given such reasonable time, *not exceeding* thirty (30) days, as may be necessary to do, or have done, the work or act required by the notice as herein provided. Such notice *shall* describe the building deemed unsafe, *shall* include a statement of the particulars which make it unsafe, and *shall* contain an order requiring the building to be put in such condition as to comply with the terms of this Chapter within a stated time, *not exceeding* thirty (30) days.

(2) Post, or cause to be posted in a conspicuous place at the principal point of entry to the building deemed unsafe, a notice reading as follows:

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“This building has been found to be unsafe by the Department of Public Works, government of Guam. This notice is to remain on the building until it is vacated and either repaired or demolished in accordance with the notice which has been given to all parties having an interest in this building. It is unlawful to remove this notice until such notice is complied with.”

(b) The building official, in the event of non-compliance with the notice and order hereinabove provided for in § 66503(a) *shall*:

(1) Notify in writing by personal service, certified mail, or registered mail, the State Historic Preservation Officer and the same parties as in § 66503(a) to appear before him on a specified date to show cause why the building deemed unsafe should not be vacated and either repaired or demolished in accordance with the statement of particulars set forth in the prior notice.

(2) Hold a hearing and hear such testimony as building department employees, owner, occupant, lessee, mortgagee, or other interested parties shall offer relative to the unsafe building.

(3) Make written findings of fact from the testimony offered at said hearing, and on the basis of such findings render a written decision as to whether the building is safe, or unsafe within the meaning of this Chapter. The original copy of such findings and decisions *shall* be kept in the Department of Public Works. Other copies *shall* be sent to all parties served with notice of the hearing.

(4) On the finding that the building is unsafe, issue an order based on such findings of fact, commanding all parties served with notice of the hearing to vacate and either repair or demolish such unsafe building; provided, that any person so notified, *except* the owner, must vacate the premises and *shall* have the privilege of repairing; and provided further, that no person other than the owner shall be ordered to demolish said building.

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(c) In the case of non-compliance with the above order within ten (10) days, the building official *shall* cause such building to be vacated and either repaired or demolished as the facts may warrant, in accordance with the standards for vacation and either repair or demolition set forth in § 66503(d). The costs of such vacation and either repair or demolition *shall* be a lien against the land on which the building exists or existed, as the case may be, until recovered by the government of Guam.

(d) The building official in ordering vacation and either repair or demolition of a building found unsafe, *shall* be governed by the following standards:

(1) If an unsafe building can reasonably be repaired so that it will no longer exist in violation of the terms of this Chapter, it *shall* be ordered to be repaired.

(2) If deemed an unsafe building, it *shall* be ordered to be vacated.

(3) If an unsafe building is damaged or decayed, or deteriorated to the extent of fifty percent (50%) of its original value or structure, it *shall* be demolished. In all cases where a building cannot be repaired so that it will no longer exist in violation of the terms of this Chapter, it *shall* be demolished. In all cases where an unsafe building is a fire hazard existing or erected in violation of the provisions or unsafe within the meaning of this Chapter, it *shall* be demolished.

SOURCE: GC § 31050. Amended by P.L. 32-157:4 (May 21, 2014), effective 180 days from enactment.

§ 66504. Same: Order to Vacate.

The building official, whenever he determines that a building, structure, or portion thereof, constitutes an unsafe structure, as defined in § 66501 of this Article, *shall* order the buildings, structure, or portion thereof, to be vacated at once and *not* reoccupied until issuance of a new certificate of occupancy by the building official.

SOURCE: GC § 31051. Amended by P.L. 32-157:4 (May 21, 2014), effective 180 days from enactment.

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§ 66505. Same: Same.

(a) The building official, on the vacation of any building in accordance with the provisions of § 66503 or § 66504, shall post or cause to be posted at each entrance to the building, a sign stating: "This building is unsafe and its use or occupancy is prohibited by the Director of Public Works. Any person entering this building without permission of the Director of Public Works shall be subject to fine or imprisonment or both."

(b) Such sign shall remain posted until the required repairs are made or demolition is completed.

(c) Any person entering the building, except for the purpose of making the required repairs or effecting demolition, or any person removing any sign posted by the building official shall be liable to the penalties provided for in this Chapter.

SOURCE: GC § 31052.

§ 66506. Same: Actual and Immediate Danger.

(a) In case there shall be, in the opinion of the building official, actual and immediate danger of failure or collapse of a building or structure, or any part thereof so as to endanger life or property, he shall promptly cause such building or structure to be made temporarily safe, or if necessary, to be demolished. In such cases the decision of the building official shall be final and conclusive.

(b) The building official, in exercising his powers and duties under this section, may at once enter any unsafe building, or the land on which it stands, or abutting land or structure, with such assistance and at such costs as he deems necessary. He may vacate adjacent structures and protect the public by an appropriate fence or such other means as may be necessary, and for this purpose he may close a public or private way.

(c) Costs incurred under this section shall be paid out of the General Fund of Guam on a certified voucher of the building official. Such costs shall be a lien on the land on which the building exists or existed, as the case may be, until recovered by the government of Guam.

SOURCE: GC § 31053.

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§ 66507. Prohibition and Penalty.

(a) It *shall* be unlawful for any person to construct, alter, repair, move, remove, demolish, equip, use, occupy or maintain any building or structure or portion thereof in Guam contrary to any provision of this Chapter.

(b) Any person violating the provisions of this Chapter *shall* be deemed guilty of a petty misdemeanor; *except*, that any person entering an unsafe structure without permission of the Director of Public Works *shall* be subject to a fine of up to One Thousand Dollars (\$1,000) per violation.

(c) Such person shall be deemed guilty of a separate offense for each day during which any violation of the provisions of this Chapter continues.

(d) Any person violating the provisions of this Article pertaining to unsafe structures, including failure to vacate and either repair or demolish such structures, who is the owner of real property that has been classified as an industrial or commercial site in accordance with § 60107, Chapter 60, Article 1, Title 21, Guam Code Annotated, *shall* be fined, annually, an amount equal to twenty percent (20%) of the assessed value of the subject property, and such fine *shall* be pro-rated for any portion of a year in which the violation continues. The fine provided in this Subsection *shall* be a lien on the property if unpaid for more than ninety (90) days.

SOURCE: GC § 31054. Subsection (b) as amended by P.L. 13-187:198. P.L. 32-157:7 (May 21, 2014) amended subsections (a) and (b) and added subsection (d), effective 180 days from enactment.

§ 66508. Guam Building Code Council; Territorial Land Use Commission; Appeals.

(a) Guam Building Code Council. The Guam Building Code Council shall sit as a Board of Appeals (Board) to hear appeals of any decision of the building official relative to the suitability of alternate materials and methods of construction, and to provide for reasonable interpretation of the provisions of this Chapter. The Director of Public Works, or the building official, shall make such investigations as are deemed necessary for appeals to the Board. The Board shall hold hearings and may

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adopt reasonable rules and regulations for the conduct of any investigations made under its direction; provided, however, that every hearing shall be conducted pursuant to the procedure set forth in the Administrative Adjudication Law; and further provided, that the Board shall render all decisions and findings in writing to the building official with a duplicate copy to the appellant, and may recommend such new legislation as is consistent therewith to I Liheslatura (the Legislature). Neither the Director of Public Works nor the building official shall influence or attempt to influence the decision of the Board relative to any matter that pursuant to the provisions of this Section comes before it, except by the presentation of relevant evidence arising from its investigations, as directed by the Board. The Director of Public Works shall not vote on any appeal pursuant to this Subsection.

A final decision of the Board of Appeals may be appealed to the Superior Court in the manner provided in the Administrative Adjudication Law. The Guam Building Code Council may waive all accrued fines pursuant to § 66507(d) of this Article within one hundred eighty (180) days of the declaration of a building as unsafe if the property owner has demolished or repaired the subject property to the standard of the Guam Building Code.

(b) Territorial Land Use Commission. In any matter other than that which is the subject of an appeal pursuant to Subsection (a) of this Section, the Commission is empowered to hear appeals from any order, requirement, decision or determination of the building official or his authorized representative or any rule, regulation or amendment or repeal thereof made by the building official; provided, that summary abatement by the building official or his authorized representative pursuant to § 66506 of this Chapter shall be final and conclusive.

SOURCE: GC § 31055 as repealed and reenacted by P.L. 14-112:6 (Mar. 29, 1978). Amended by P.L. 32-157:8 (May 21, 2014), effective 180 days from enactment.

NOTE: Pursuant to the authority granted by 1 GCA § 1606, the references to the Government Code were altered to reflect its codification in the GCA.

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ARTICLE 6
TERRITORIAL LAND USE COMMISSION

- § 66601. Territorial Land Use Commission: Prohibition.
- § 66602. Same: Substitute for Member.
- § 66603. Same: Personnel.
- § 66604. Same: Records.
- § 66605. Same: Rules of Procedures.
- § 66606. Same: Appeal from Rulings.
- § 66607. Same: Same: Time for Filing.
- § 66608. Same: Same: Transmittal of Records.
- § 66609. Same: Power to Stay Proceedings.
- § 66610. Same: Hearing on Appeal.
- § 66611. Same: Same: Transcript.
- § 66612. Same: Decision on Appeal.
- § 66613. Same: Same: Filing.
- § 66614. Same: Agent to Execute Orders.
- § 66615. Same: Judicial Review of Decision.

§ 66601. Territorial Land Use Commission: Prohibition.

No member of the Commission shall pass on any question in which he is engaged as contractor, material man, preparer of the plans and specifications or in which he has any personal interest.

SOURCE: GC § 31056.

§ 66602. Same: Substitute for Member.

During absence of a member by reason of disability or disqualification, the Governor may designate a qualified substitute; which substitute shall, insofar as possible, represent the same type of expert knowledge as the member replaced.

SOURCE: GC § 31057.

§ 66603. Same: Personnel.

The Department of Public Works shall provide the Commission with such clerical personnel and office facilities as

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may be reasonably necessary to carry out the provision of this Chapter.

SOURCE: GC § 31059.

§ 66604. Same: Records.

The Commission shall keep permanent and accurate records of all its activities including a record of every tally vote.

SOURCE: GC § 31060.

§ 66605. Same: Rules of Procedure.

The Commission shall establish rules for its own procedure, not inconsistent with the provisions of this Chapter.

SOURCE: GC § 31061.

§ 66606. Same: Appeal From Rulings.

Any party adversely affected or aggrieved by any order, requirement, decision or determination of the building official or his authorized representative, or any rule, regulation or amendment or repeal thereof, may appeal from such action to the Commission.

SOURCE: GC § 31062.

§ 66607. Same: Same: Time For Filing.

Any appeal from an action of the building official shall be made within fifteen (15) calendar days, including Sundays and holidays, after the action complained of by filing with the building official and with the Commission a notice of appeal specifying the grounds thereof.

SOURCE: GC § 31063.

§ 66608. Same: Same: Transmittal of Records.

The building official, upon receipt of the notice of appeal, shall transmit to the Commission all of the records upon which the action appealed from was taken.

SOURCE: GC § 31064.

§ 66609. Same: Power to Stay Proceedings.

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The Commission shall have power to stay all proceedings in a matter before the building official where an appeal has been duly filed or a review ordered by the Commission.

SOURCE: GC § 31065.

§ 66610. Same: Hearing on Appeal.

The Commission shall fix a reasonable time for hearing appeals and shall give adequate notice to all parties in interest. All hearings shall be conducted according to rules established by the Commission but any party in interest may appear in person, or by a designated attorney or agent.

SOURCE: GC § 31066.

§ 66611. Same: Same: Transcript.

Any party in interest may cause a transcript of the hearing to be prepared at his own expense.

SOURCE: GC § 31067.

§ 66612. Same: Decision on Appeal.

The Commission after hearing an appeal, may reverse or affirm, in whole or in part, or modify the order, requirement, decision, determination, rule or regulation appealed from, and may make such order, requirement, decision or determination as in its opinion will best serve the stated purpose of the law.

SOURCE: GC § 31068.

§ 66613. Same: Same: Filing.

The Commission shall make decisions on each appeal in writing and within a reasonable time. It shall, without unreasonable delay cause to be served on the parties in interest, a copy of its decision. Additional copies of the decision shall be filed in the building records of the Department of Public Works.

SOURCE: GC § 31069.

§ 66614. Same: Agent to Execute Orders.

The building official shall serve as the agent of the Commission to execute its orders.

SOURCE: GC § 31070.

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§ 66615. Same: Judicial Review of Decision.

Any party aggrieved by the decision of the Commission shall be entitled to judicial review thereof by application to the Superior Court within fifteen (15) days after the filing of the Commission's decision in the building records of the Department of Public Works.

SOURCE: GC § 31071. *Island* changed to *Superior* Court pursuant to P.L. 12-085.

**ARTICLE 7
AMENDMENTS TO BUILDING CODE**

- § 66701. Notice of Amendments to Building Code.
- § 66702. Notice of Non-Conforming Construction after Amendment.

§ 66701. Notice of Amendments to the Building Code.

Whenever the Building Code, found in Chapter 67 of this Title, or its successor, used by the government of Guam is updated, the Department of Public Works shall notify in a newspaper of general circulation all parties who have completed construction who have been issued building permits or who have construction in progress that an updated version of the Building Code, or its successor, is in use and make a copy of such updated version of the Building Code, or its successor, available for their inspection. When there are amendments to the Building Code, or its successor, which relate to safety, notice of such amendments must be published in a newspaper of general circulation to make owners of buildings aware of possible safety violations or deficiencies. All buildings under construction at the time of adoption of amendments to the Building Code, or its successor, relating to safety shall conform thereto if practicable.

SOURCE: GC § 31072 enacted by P.L. 17-076:9. Amended by P.L. 32-157:8 (May 21, 2014), effective 180 days from enactment.

§ 66702. Notice of Non-Conforming Construction After Amendment.

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Whenever a building inspection of the Department of Public Works becomes aware of non-conforming construction in buildings which does not meet current safety standards as a result of amendments or updates made to the International Building Code subsequent to approval of the building's plans by the Department of Public Works, the Department shall notify the building owner of the variance in writing in order that the building owner be aware of the potential safety hazard.

SOURCE: GC § 31073 enacted by P.L. 17-076:10. Amended by P.L. 30-199:20 (Sept. 21, 2010).
