

CHAPTER 20

GENERAL PROVISIONS

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§ 20101. Definitions.

As used in this Part:

(a) *Department* means the Department of Public Health and Social Services;

(b) *Director* means the Director of the Department of Public Health and Social Services;

(c) *Person* includes any individual, firm, partnership, joint venture, association, trust, estate, other group or combination acting as a unit, agency or agent of the foregoing other than agencies of the Federal government or any successor thereto;

(d) *Public nuisance* means anything that is determined by the Director to be dangerous to life, injurious to health or renders soil, air, water or food impure or unwholesome;

(e) *Drink* means a liquid suitable for swallowing by a human or domestic animals;

(f) *Foodhandler* means any person who is involved in the storage, manufacture, preparation, handling, sale, dispensing or serving of food or drink to the public; or who works in any establishment or business which stores, manufactures, prepares, handles, sells, dispenses or serves food or drink intended for human consumption; and

(g) *Food* means a material consisting essentially of protein, carbohydrate and fat used to sustain growth and repair vital processes of a human or animal and used for consumption by man or domestic animals.

SOURCE: GC § 9500.1.

§ 20102. Supervision.

The Director has general supervision of environmental health and shall be responsible for carrying out the provisions of this Part.

SOURCE: GC § 9500.2.

§ 20103. Division of Environmental Health.

There shall be in the Department a Division of Environmental Health the functions of which shall be the carrying out of the provisions of this Part.

SOURCE: GC § 9500.3.

§ 20104. Personnel; Authority to Act in Name of Director.

The Director may authorize any personnel to act his on behalf in the enforcement of this Part and such personnel shall have the authority to act in the name of the Director to the extent authorized by him.

SOURCE: GC § 9500.4.

§ 20105. Rules and Regulations.

The Director may adopt and promulgate such rules and regulations as may be necessary, in accordance with the Administrative Adjudication Act to carry out the provisions of this Part.

SOURCE: GC § 9500.5.

§ 20106. Inspection and Abatement.

The Director is authorized to make inspections of all public and private grounds, buildings, vehicles, aircraft, ships and other places, except private homes in order to carry out the provisions of this Part. He may order compliance with the provisions of this Part and the immediate abatement of public nuisances.

SOURCE: GC § 9500.6.

§ 20107. Public Nuisance.

Any condition which the Director deems a public nuisance shall be subject to immediate abatement. Every person who maintains or commits any public nuisance, on either public or private property, or who willfully omits to perform any legal duty relating to the removal of a public nuisance is guilty of a misdemeanor.

SOURCE: GC § 9500.7.

§ 20108. Public Nuisance on Private Property.

Every person who maintains, permits or allows a public nuisance to exist upon his property and every person occupying or leasing the property of another who maintains, permits or allows a public nuisance to exist thereon after receiving personal notice in writing from the Director or Attorney General to discontinue or abate same is guilty of a misdemeanor.

SOURCE: GC § 9500.8.

§ 20109. Reasonable Time.

Upon serving notice of the existence of a public nuisance to the responsible person, the Director shall allow the person a reasonable period of time to abate the nuisance. The time allotted by the Director shall be based upon the threat of disease or injury to the public if the nuisance is not abated. The time allotted by the Director for abatement shall not be less than twenty-four (24) hours nor more than ten (10) days.

SOURCE: GC § 9500.9.

§ 20110. Temporary Abatement.

Should complete abatement of a public nuisance require more than ten (10) days, the Director may permit additional time for abatement provided:

(a) Temporary abatement measures are instituted within three (3) days; and

(b) Such temporary measures shield the public from the danger of injury or disease exposure while the condition is being permanently corrected.

SOURCE: GC § 9500.10.

§ 20111. Civil Relief.

Every day beyond the time allotted in § 20109 is a separate and distinct offense. In addition or as an alternative to the other remedies provided herein, the Attorney General may apply, following noncompliance with the notice, to the court of competent jurisdiction for an injunction or other relief to abate the nuisance.

SOURCE: GC § 9500.11.

§ 20112. Abating Public Nuisance on Private Property.

In lieu of, or in addition to the action authorized by § 20107, the Director is authorized to abate and remove any public nuisance if after

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written notice to the owner of the premises on which any public nuisance exists, the public nuisance continues unabated. The cost of the abatement of the nuisance by the Director shall be at the expense of the property owner and shall be a lien against the property on which the nuisance was maintained and a personal obligation against the property owner.

SOURCE: GC § 9500.12.

§ 20113. Abatement Procedure.

Upon request of the Director, the Director of Public Works shall, using special appropriations of the Department, abate or remove any public nuisance whether on public or private property, and shall provide the necessary personnel and equipment. Upon the request of the Director, the Chief of Police shall provide police personnel to effect or assist in the abatement and removal of any public nuisance whether on public or private property.

SOURCE: GC § 9500.13.

NOTE: References to "Director of Public Safety" changed to *Chief of Police* pursuant to P.L. 17-78:1, which repealed §5102 GC providing for the Department of Public Safety and reenacted §5102 establishing the Guam Police Department.

§ 20114. Accounting.

The Director shall keep a separate accounting of all funds spent from the special appropriation and this accounting shall be submitted to the Governor and Legislature at the end of each fiscal year. The accounting shall include the name of the owner of the property, the location of the property, the violation corrected and the cost of the project.

SOURCE: GC § 9500.14.

§ 20115. Liability.

Should the Director find it necessary to abate a public nuisance or abate some other violation of this Part, the Director or his agents, the Director of Public Works or his agents or the government of Guam shall not be held liable for any damages that may occur as a result of said abatement.

SOURCE: GC § 9500.15.

§ 20116. Notice.

Whenever written notice is required or authorized under this Part, such notice may be given by the Director, his authorized representative or any other person who may be authorized by law by serving a copy of such

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notice personally upon the person to be served or by leaving a copy at his place of residence or place of business or by mailing a copy by certified mail, return receipt requested, to his last known address. If such person is not in Guam or cannot be found in Guam after reasonable search, the notice shall be conspicuously posted on the premises concerning which notice is being given. Where notice is given by mail, such notice shall be complete upon deposit in the United States Post Office in an envelope addressed to the last known address of the person to whom notice is being given and bearing sufficient postage.

SOURCE: GC § 9500.16.

§ 20117. Complaints.

The Director shall investigate any bona fide complaint relative to any alleged violation of this Part and take such action as he may deem necessary.

SOURCE: GC § 9500.17.

§ 20118. Penalty.

Any person who violates any provision of this Part or any valid rule or regulation promulgated under this Part or who refuses or neglects to comply with any order issued by the Director or other officers and personnel of the Department in the carrying out of the provisions of this Part, the penalty for which is not otherwise prescribed in this Part, is guilty of a misdemeanor.

SOURCE: GC § 9500.18.

§ 20119. Fees.

Any fees collected pursuant to the enforcement of this Part shall be deposited to the General Fund.

SOURCE: GC § 9500.19.
