

MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN
2006 (SECOND) Regular Session

2006 NOV 13 AM 11:27

Bill No. 385 (LS/EC)

Introduced by:


R. Klitzkie

**AN ACT TO AMEND TITLE 21 GUAM CODE
ANNOTATED, CHAPTER 61, SECTION 61541 TO
BRING THE ZONING LAW INTO
CONSTITUTIONAL COMPLIANCE BY ALLOWING
THE ERECTION OF POLITICAL SIGNS ON
PRIVATE PROPERTY BY PROPERTY OWNERS.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section One. Legislative Findings. In a memorandum dated December 15, 2000, the Attorney General provided an opinion to the director of Public Works. The director questioned whether the zoning law permits the erection of political signs on private property. The Attorney General responded with the following:

“Although the zoning law of Guam by its terms **prohibits the erection of political signs on private property**, under City of Ladue v. Gilleo, 512 U.S. 43, 114 S. Ct. 2038 (1994) our law is now unconstitutional to the extent it prohibits a private property owner from erecting at **his own expense a political sign on his property**. However, the zoning law does appear to **validly prohibit** the erection of **signs by third parties for a fee and perhaps even without remuneration** to the property owner.”

* * *

Therefore, the legislature finds that the zoning law must be amended to bring it into compliance with the ruling in City of Ladue v. Gilleo, as expounded upon by the Attorney General in the memorandum dated December 15, 2000 (Ref: DPW 00-1234), by amending Title 21 Guam Code Annotated, Chapter 61, Section 61541 by including language reading: “Political

signs erected and owned by the property owner may be erected on private property if the signs comply with §61541(a)(1) of this Title.”

Section Two. Title 21 Guam Code Annotated, Chapter 61, § 61541 is amended to read:

“§ 61541. Restriction of Use.

No structure of any kind or character erected or maintained for outdoor advertising or identification purposes, upon which any poster, bill, printing, painting, or other advertisement of any kind whatsoever is placed, including statuary for advertising or identification purposes, and no card, cloth, paper, metal, painted or wooden sign of any character placed for outdoor advertising or identification purposes, on or to the ground or any tree, wall, bush, rock, fence, building, structure or thing, either privately or publicly owned, shall be placed or maintained on property adjacent to any highway, road, street, boulevard, lane, court, place, summons, trail, way, or other right of way or easement used for or laid out and intended for the public passage of vehicles or of vehicles and persons except as provided below:

(a) In Residential and Agricultural zones no exterior name plate or sign shall be erected, displayed, or maintained, except the following:

(1) One non-moving, non-flashing sign for each family residing on the premises indicating the name of the resident or pertaining to a permitted occupation provided that each such sign does not exceed three (3) square feet in area.

(2) One non-moving, non-flashing sign, not exceeding twelve (12) square feet in area, pertaining to permitted buildings, structures, and uses of the premises other than dwellings and occupations permitted therein.

(3) Temporary unlighted signs aggregating not over twenty-four (24) square feet in area pertaining to the sale or lease of the premises.

(4) Unlighted directional signs not exceeding three (3) square feet in area pertaining to churches, schools, institutions and other public or nonprofit uses.

(b) In Commercial zones, no exterior signs shall be erected displayed or maintained except the following:

1 (1) Signs indicating the name of a person or the type of business
2 occupying the premises or the name of the building, provided that:

3 (i) Individual signs shall be non-flashing and non-moving.

4 (ii) Individual signs shall be placed flat on the building wall, shall
5 not be higher than the roof line of the building, and shall project no
6 further than eighteen (18) inches from the wall to which they are
7 attached.

8 (iii) Individual signs shall not cover an area in excess of ten
9 percent (10%) of the surface of the wall to which they are attached.

10 (2) Free standing, doubled faced signs indicating the name of a person or
11 the type of business occupying the premises or the name of the building,
12 provided that:

13 (i) such signs shall not exceed forty (40) square feet in area on
14 each face nor twelve (12) feet in height;

15 (ii) such structure shall not be placed closer than ten (10) feet to
16 any street or high way right-of-way; and

17 (iii) one such sign shall be permitted for each premises or building.

18 (c) In Industrial zones no exterior signs shall be erected, displayed or maintained except
19 the following:

20 (1) Signs indicating the name of a person, or the type of industry
21 occupying the premises or the name of the building, provided that:

22 (i) Individual signs shall be non-flashing and non-moving.

23 (ii) Individual signs shall be placed flat on the building wall, shall
24 not be higher than the roof line of the building, and shall project no
25 further than eighteen (18) inches from the wall to which they are
26 attached.

27 (iii) Individual signs shall not cover an area in excess of ten
28 percent (10%) of the surface of the wall to which they are attached.

29 (2) Free standing signs identifying the name of the owner or occupant of
30 the premises, or advertising goods manufactured or produced, or services
31 rendered, on the premises, provided that:

1 (i) Such sign shall not exceed sixty (60) square feet in area nor
2 twelve feet (12) in height.

3 (ii) Such structure shall not be placed closer than ten (10) feet to
4 any street or high way right of way.

5 (iii) Such signs shall be non-moving and non-flashing.

6 (iv) One (1) such sign shall be allowed for each industrial
7 structure, or complex or structures housing a single industrial user.

8 (d) The provisions of this section shall not apply to any sign placed by or for purposes of
9 any charitable, religious and civic organization, individual or entity, if the same remains posted
10 or erected for a period of not more than sixty (60) days.

11 “(e) Political signs erected and owned by the property owner may be erected on private
12 property if the signs comply with subsection (a)(1) of this Section.”