

I MINA'TRENTA NA LIHESLATURAN GUÅHAN
2010 (SECOND) Regular Session

FILE COPY

CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that **Bill No. 391-30 (COR), "AN ACT TO AMEND §§61619 AND 61633 OF ARTICLE 6, CHAPTER 61, TITLE 21 GUAM CODE ANNOTATED RELATIVE TO HEARING DATE-NOTICE"**, was on the 2nd day of July, 2010, duly and regularly passed.



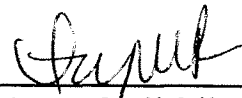
Judith T. Won Pat, Ed. D.
Speaker

Attested:



Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahaen Guåhan* this 6th day of July 2010, at
5 o'clock P.M.



Assistant Staff Officer
Maga'lahi's Office

APPROVED:

FELIX P. CAMACHO
I Maga'lahaen Guåhan

Date: _____

Public Law No. _____

I MINA'TRENTA NA LIHESLATURAN GUÅHAN
2010 (SECOND) Regular Session

Bill No. 391-30 (COR)

As amended on the Floor.

Introduced by:

v. c. pangelinan
Judith T. Won Pat, Ed.D.
F. B. Aguon, Jr.
T. C. Ada
V. Anthony Ada
F. F. Blas, Jr.
E. J.B. Calvo
B. J.F. Cruz
J. V. Espaldon
Judith P. Guthertz, DPA
T. R. Muña Barnes
Adolpho B. Palacios, Sr.
R. J. Respicio
Telo Taitague
Ray Tenorio

**AN ACT TO *AMEND* §§61619 AND 61633 OF ARTICLE
6, CHAPTER 61, TITLE 21, GUAM CODE ANNOTATED,
RELATIVE TO HEARING DATE-NOTICE.**

1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2 **Section 1.** §61619 of Article 6, Chapter 61, Title 21, Guam Code
3 Annotated, is hereby *amended* to read:

4 **“§61619. Hearing Date-Notice.**

5 Upon the filing of a variance application, the Commission *shall*
6 fix a reasonable time for hearing the same and *shall* give notice
7 thereof to the applicant and may give notice to any other parties in

1 interest. All hearings *shall* be conducted in the affected municipality
2 and *shall* be in accordance with the rules established by the
3 Commission, but any party in interest may appear in person, or by
4 designated attorney or agent. At least one (1) such hearing shall be
5 conducted after six o'clock (6:00) p.m.

6 In addition, the Commission *shall* require the applicant to erect a sign
7 on the subject location, *no* smaller than four feet (4') by eight feet (8')
8 in height and width, with the words "Notice to Rezone" in *no less*
9 *than* twelve inch (12") high red letters on a white background
10 occupying two feet (2') by eight feet (8') of the sign, and displayed to
11 make the following information available to the general public in a
12 reasonable manner:

13 (1) a Statement of Public Notice that an application for a
14 variance has been filed with the Commission;

15 (2) the title of the application as filed, containing the name of
16 the owner, the name of the developer, the lot number, and the
17 proposed variance; and

18 (3) the date, time, and place of each public hearing and
19 Commission meeting where public comments can be presented.

20 The sign *shall* be erected and displayed in a visible and prominent
21 place on the subject site *no less than* five (5) days after an application is filed
22 with the Commission, and *shall* be removed after the Commission renders a
23 final decision on the application *or* the applicant officially withdraws the
24 application.

25 The Commission *shall not* render a decision in favor of any applicant
26 that fails to comply with both this sign requirement and any other public
27 notice requirement that is prescribed by law, rule or regulation. Failure to

1 meet the notice requirements as provided herein renders any approval by the
2 Commission null and void.”

3 **Section 2.** §61633 of Article 6, Chapter 61, Title 21, Guam Code
4 Annotated, is hereby *amended* to read:

5 **“61633. Hearing Date-Notice.**

6 Upon the filing of an application for a change of zone, the
7 Commission *shall* hold *at least* one (1) hearing thereon in the
8 municipal district where the property to be rezoned is located, as such
9 districts are described in Chapter 40, 5 GCA Government Operations,
10 and a notice of the time and place of the hearing *shall* be published in
11 *at least* one (1) newspaper of general circulation *at least* ten (10) days
12 before the date of said hearing, and sent by mail to the Mayor of the
13 municipal district concerned, and to those landowners owning land
14 within five hundred (500) feet of the property for which the rezoning
15 is requested, the mailing addresses for such landowners to be in the
16 Real Tax records.

17 In addition, the Commission *shall* require the applicant to erect a sign
18 on the subject location, *no* smaller than four feet (4') by eight feet (8') in
19 height and width, with the words “Notice to Rezone” in *no less than* twelve
20 inch (12”) high red letters on a white background occupying two feet (2') by
21 eight feet (8') of the sign, and displayed to make the following information
22 available to the general public in a reasonable manner:

23 (1) a Statement of Public Notice that an application for a
24 change of zone has been filed with the Commission;

25 (2) the title of the application as filed, containing the name of
26 the owner, the name of the developer, the lot number, and the
27 proposed change of zone; and

1 (3) the date, time, and place of each public hearing and
2 Commission meeting where public comments can be presented.

3 The sign *shall* be erected and displayed in a visible and prominent
4 place on the subject site *no less than* five (5) days after an application is filed
5 with the Commission and *shall* be removed after the Commission renders a
6 final decision on the application *or* the applicant officially withdraws the
7 application.

8 The Commission *shall not* render a decision in favor of any applicant
9 that fails to comply with both this sign requirement and any other public
10 notice requirement that is prescribed by law, rule or regulation. Failure to
11 meet the notice requirements as provided herein renders any approval by the
12 Commission null and void.”

13 **Section 3. Severability.** *If* any of the provisions of this Act or the
14 application thereof to any person or circumstance is held invalid, such invalidity
15 shall *not* affect any other provision or application of this Act which can be given
16 effect without the invalid provision or application, and to this end the provisions of
17 this Act are severable.