

TENTH GUAM LEGISLATURE
1969 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Bill No. 171, "An Act to add a New Chapter 4 to Title XI, Government Code of Guam, relative to the care and protection of highways", was on the 11th day of February, 1969, duly and regularly passed.

/s/
JOAQUIN C. ARRIOLA
Speaker

ATTESTED:

/s/
JAMES T. SABLAN
Legislative Secretary

This Act was received by the Governor this 6th
day of March, 1969 at 2:49 o'clock P.M.

/s/ Joe T. San Agustin
Secretary of Guam
Acting

APPROVED:

/s/ MANUEL F. L. GUERRERO
MANUEL F. L. GUERRERO
Governor of Guam

DATED: March 22, 1969
9:30 a.m.

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TENTH GUAM LEGISLATURE
1969 (FIRST) Regular Session

Bill No. 171

Introduced by _____

Committee on Rules, by
request of the Governor
in accordance with Section
6(b) of the Organic Act
of Guam.

AN ACT TO ADD A NEW CHAPTER 4 TO
TITLE XI, GOVERNMENT CODE OF GUAM,
RELATIVE TO THE CARE AND PROTEC-
TION OF HIGHWAYS.

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

2 Section 1. A new Chapter 4 is hereby added to Title XI,
3 Government Code of Guam, to read as follows:

4 "CHAPTER 4

5 Care and Protection of Highways

6 Section 10250. Definitions. As used in this
7 Chapter:

8 (a) 'Department' means the Department of
9 Public Works.

10 (b) 'Director' means the Director of Public
11 Works.

12 (c) 'Highway' means all or any part of the
13 entire width of right of way, whether or not such
14 entire area is actually used for highway purposes.

15 (d) 'Encroachment' means any tower, pole,
16 poleline, pipe, pipeline, fence, billboard, stand
17 or building, or any structure or object of any
18 kind or character not particularly mentioned,
19 which is placed in, under or over any portion of
20 a highway.

21 Section 10251. Permits: misdemeanor. The
22 Department may issue written permits, as provided in
23 this Chapter, authorizing the permittee to do any of the
24 following acts:

1 (a) Making an opening or excavation for any
2 purpose in a highway.

3 (b) Place, change or renew an encroachment.

4 (c) Place or display in, under or over any
5 highway, any kind of advertising sign or device.
6 Any such sign or device placed or displayed contrary
7 to the provisions of this Section is a public nui-
8 sance and the Department may immediately remove it.

9 (d) Plant, remove, cut, cut down, injure or
10 destroy any tree, shrub, plant or flower growing
11 within any highway.

12 (e) Any person who does any of the acts
13 specified in this Section, without the authority
14 of a valid permit, is guilty of a misdemeanor and
15 shall be punished as provided in Section 19 of the
16 Penal Code of Guam.

17 Section 10252. Permit terms. Any permit issued
18 under the provisions of this Chapter may provide that
19 the permittee will pay the entire expense of replacing
20 the highway in as good condition as before, and may
21 provide such other conditions as to the location and the
22 manner in which the work is to be done as the Department
23 finds necessary for the protection of the highway. All
24 permits shall provide that they are revocable upon five
25 (5) days notice by the Department.

26 Section 10253. Work supervision: cost. The
27 Department may, but is not required to, supervise any
28 work done under any permit issued under the provisions
29 of this Chapter in which event the permittee shall pay
30 the reasonable cost of such supervision to the Department.

1 Section 10254. Bond. Before granting a permit
2 under any provision of this Chapter, the Department may
3 require the applicant to file with the Department a
4 satisfactory bond payable to the government of Guam in
5 such amount as the Department deems sufficient, conditioned on
6 the proper compliance by the permittee with the provisions
7 of this Chapter.

8 Section 10255. Notice demanding removal. Except
9 as otherwise provided in Section 10257,⁶ notice shall be
10 given to the owner, occupant or person in possession of
11 the encroachment or to any other person causing or suffer-
12 ing the encroachment to exist, by serving upon any such
13 person a notice containing a demand for the immediate
14 removal of such encroachment from within such highway.
15 Any such notice shall describe the encroachment complained
16 of with reasonable certainty as to its character and
17 location.

18 Section 10256. Summary removal. The Department may
19 immediately remove from any highway any encroachment which:

- 20 (a) Is not removed prior to the expiration of
21 five (5) days from and after the service of notice.
22 (b) Obstructs or prevents the use of the high-
23 way by the public.
24 (c) Consists of refuse.
25 (d) Is an advertising sign of any description.

26 Section 12057. Removal by Department. The Depart-
27 ment may remove any encroachment on the failure of the
28 owner to comply with the notice provided for in this
29 Chapter. The owner shall be liable for all expenses of
30 such removal and in addition thereto, the sum of ten
31 (\$10.00) dollars for each day such encroachment remains
32 after the expiration of five (5) days from the service
33 of the notice."

34 Section 2. This Act is an urgency measure.