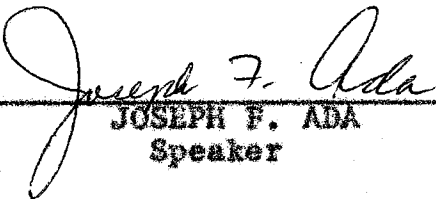


FOURTEENTH GUAM LEGISLATURE
1978 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Substitute Bill No. 535, "An Act to add Section 305, Parts II through XII and appendices of the 1976 edition of the Uniform Building Code to Title XXXII of the Government Code, to amend Sections 31007, 31042, 36402, 36410, 36411 and 36415 through 36421, to repeal and reenact Sections 31003, 31055 and 31047, to repeal Sections 31011(a), 31058 and 31100 through 35802, 36405 and 36408, all of the Government Code relative to the Building and Housing Law of Guam and to add a new Subsection (f) to Section 10503 of the Government Code relative to the Contractors Licensing Board hearing appeal of decisions made pursuant to the Uniform Building Code", was on the 17th day of March, 1978, duly and regularly passed.



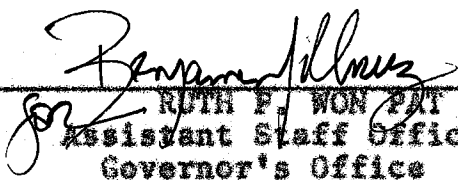
JOSEPH F. ADA
Speaker

ATTESTED:



ERNESTO M. ESPALDON
Legislative Secretary

.....
This Act was received by the Governor this 17th day of
March, 1978, at 12:28 o'clock P..M.



RUTH P. WON PAT
Assistant Staff Officer
Governor's Office

APPROVED:

/s/ RICARDO J. BORDALLO

RICARDO J. BORDALLO
Governor of Guam

DATED: March 29, 1978

11:30 A.m.

Public Law No. 14-112

FOURTEENTH GUAM LEGISLATURE
1978 (SECOND) Regular Session

Bill No. 535
(As Substituted by
the Committee on
Housing and Community
Development)

Introduced by J. H. Underwood

AN ACT TO ADD SECTION 303, PARTS II THROUGH XII AND APPENDICES OF THE 1976 EDITION OF THE UNIFORM BUILDING CODE TO TITLE XXXII OF THE GOVERNMENT CODE, TO AMEND SECTIONS 31007, 31042, 36402, 36410, 36411 AND 36415 THROUGH 36421, TO REPEAL AND REENACT SECTIONS 31003, 31055 AND 31047, TO REPEAL SECTIONS 31011(a), 31058 AND 31100 THROUGH 35802, 36405 AND 36408 ALL OF THE GOVERNMENT CODE RELATIVE TO THE BUILDING AND HOUSING LAW OF GUAM AND TO ADD A NEW SUBSECTION (f) TO SECTION 10503 OF THE GOVERNMENT CODE RELATIVE TO THE CONTRACTORS LICENSING BOARD HEARING APPEAL OF DECISIONS MADE PURSUANT TO THE UNIFORM BUILDING CODE.

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

2 Section 1. Section 303, Parts II through XII and appendices
3 of the 1976 edition of the Uniform Building Code (hereinafter
4 referred to as "UBC") promulgated and published by the Inter-
5 national Conference of Building Officials, are enacted and added
6 to Title XXXII of the Government Code. The UBC shall be recog-
7 nized as the standard for the furtherance of the intent of
8 Chapter I of Title XXXII of the Government Code. The Codifier
9 shall number the sections of the UBC appropriately to correlate
10 with provisions of Title XXXII not repealed by this Act.

11 Section 2. Section 31003 of the Government Code is repealed
12 and reenacted to read:

13 "Section 31003. Application to existing buildings.

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

1 (b) Addition, alterations and repairs: More than
2 50 percent (50%). When additions, alterations or
3 repairs within any 12-month period exceed fifty per-
4 cent (50%) of the value of an existing building or
5 structure, such building or structure shall be made
6 to conform to the requirements for new buildings or
7 structures.

8 (c) Additions, alterations and repairs: 25 to 50
9 percent. Additions, alterations and repairs exceeding
10 twenty-five percent (25%) but not exceeding fifty
11 percent (50%) of the value of an existing building or
12 structure and complying with the requirements for new
13 buildings or structures may be made to such building
14 or structure within any 12-month period without making
15 the entire building or structure comply. The new
16 construction shall conform to the requirements of this
17 Title for a new building of like area, height and
18 occupancy. Such building or structure, including new
19 additions, shall not exceed the areas and heights
20 specified in this Title.

21 (d) Additions, alterations and repairs: 25 per-
22 cent or less. Structural additions, alterations and
23 repairs to any portion of an existing building or
24 structure, within any 12-month period, not exceeding
25 twenty-five percent (25%) of the value of the building
26 or structure, shall comply with all of the requirements
27 for new buildings or structures, except that minor
28 structural additions, alterations or repairs, when

1 approved by the building official, may be made with
2 the same material of which the building or structure
3 is constructed. Such building or structure, including
4 new additions, shall not exceed the areas and heights
5 specified in this Title.

6 (e) Nonstructural alterations and repairs: 25
7 percent or less. Alterations or repairs, not exceeding
8 twenty-five percent (25%) of the value of an existing
9 building or structure, which are nonstructural and do
10 not affect any member or part of the building or
11 structure having required fire resistance, may be made
12 with the same materials of which the building or
13 structure is constructed.

14 (f) Repairs: Roof covering. Not more than twenty-
15 five percent (25%) of the roof covering of any building
16 or structure shall be replaced in any 12-month period
17 unless the new roof covering is made to conform to
18 the requirements of this Title for new buildings or
19 structures.

20 (g) Existing occupancy. Buildings in existence
21 at the time of the passage of this Title may have their
22 existing use or occupancy continued if such use or
23 occupancy was legal at the time of the passage of
24 this Title, provided such continued use is not dangerous
25 to life.

26 (h) Maintenance. All buildings or structures,
27 both existing and new and all part thereof, shall be
28 maintained in a safe and sanitary condition. All devices
29 or safeguards which are required by this Title in a
30 building or structure when erected, altered or re-
31 paired, shall be maintained in good working order.

1 The owner or his designated agent shall be responsible
2 for the maintenance of buildings and structures.

3 (i) Unsafe building appendages. Parapet walls,
4 cornices, spires, towers, tanks, statuary and other
5 appendages or structural members which are supported
6 by, attached to, or a part of a building and which are
7 in a deteriorated condition or are otherwise unable
8 to sustain the design loads which are specified in
9 this Title, are hereby designated as unsafe building
10 appendages. All such unsafe building appendages are
11 public nuisances and shall be abated in accordance with
12 Section 31051 or 31053 of this Title.

13 (j) Historic buildings. Repairs, alterations and
14 additions necessary for the preservation, restoration,
15 rehabilitation or continued use of a building or
16 structure may be made without conformance to all of the
17 requirements of this Title, when authorized by the
18 building official provided:

19 (1) the building or structure has been
20 designated by official action of the legislative
21 body as having special historical or architectural
22 significance;

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

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

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

1 Section 3. Section 31007 of the Government Code is amended
2 to read:

3 "Section 31007. Administration and Enforcement. The
4 administration and enforcement of the provisions of this
5 Title shall be the responsibility and duty of the Director
6 of Public Works or his designated representatives, who for
7 such purposes shall be known as the building official."

8 Section 4. Section 31042 of the Government Code is amended
9 to read:

10 "Section 31042. Same. (a) The building official shall
11 inspect or cause to be inspected from time to time during
12 the progress of work thereon, all buildings or structures
13 for work on which a building permit has been issued and
14 outstanding. A record shall be made of every inspection
15 and of all violation of the provisions of this Title as
16 discovered by such inspection and of other applicable laws,
17 rules and regulations.

18 (b) The Director of Public Works shall promulgate
19 rules and regulations concerning the required inspections,
20 reinspection and special inspection. Promulgation of
21 these rules and regulations shall be done in accordance
22 with Section 31014(a) and the Administrative Adjudication
23 Law.

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

1 Section 5. Section 31047 is repealed and a new Section
2 31047 is enacted to read:

3 "Section 31047. (a) Building Permit Fees. A fee for
4 each permit issued by the building official in connection
5 with any work covered by this Title shall be paid to the
6 Treasurer of Guam. The building official shall charge fees
7 as set forth in Table 3A of the 1976 edition of the UBC
8 except that the building permit fee for a single family
9 residence shall be one-half (1/2) the applicable fee in
10 Table 3A. The determination of value or valuation under
11 any of the provisions of this Title shall be made by the
12 building official. The valuation to be used in computing
13 the permit and the plan-check fees shall be the total value
14 of all construction work for which the permit is issued, as
15 well as all finish work, painting, roofing, electrical,
16 plumbing, heating, air conditioning, elevator, fire extinguishin
17 system and any other permanent equipment. Where work for
18 which a permit is required by this Title is started or
19 proceeded with prior to obtaining said permit, the fees
20 specified in Table 3A of the 1976 edition of the Uniform
21 Building Code shall be doubled, but the payment of such
22 doubled fee shall not relieve any persons from fully
23 complying with the requirement of this Title in the
24 execution of the work nor from any other penalties prescribed
25 herein."

26 Section 6. Section 31055 of the Government Code is repealed
27 and reenacted to read:

28 "Section 31055. Appeals. (a) Contractors License Board.
29 The Contractors License Board (created pursuant to Section
30 10502 of the Government Code, see P. L. 14-51) shall sit as

1 a 'Board of Appeals' to hear appeals of any decision of the
2 building official relative to the suitability of alternate
3 materials and methods of construction and to provide for
4 reasonable interpretation of the provisions of this Title.
5 The Board shall make investigations and hold hearings and
6 may adopt reasonable rules and regulations for conducting
7 its investigation; provided, however, that every hearing
8 shall be conducted pursuant to the procedure set forth in
9 Section 10517 of the Government Code; and further provided
10 that the Board shall render all decisions and findings in
11 writing to the building official with a duplicate copy to
12 the appellant and may recommend such new legislation as
13 is consistent therewith to the Legislature. The Director
14 of Public Works shall not participate in any investigation
15 or hearings conducted pursuant to this Section, nor shall he
16 or the building official, if other than the Director of
17 Public Works, attempt to or influence the decision of the
18 Board relative to any matter that pursuant to the provisions
19 of this Section comes before it. A final decision of the
20 'Board of Appeals' may be appealed to the Superior Court in
21 the manner provided in the Administrative Adjudication Law.

22 (b) Territorial Planning Commission. In any matter
23 other than that which is the subject of an appeals pursuant
24 to subsection (a) of this Section, the Commission is
25 empowered to hear appeals from any order, requirement,
26 decision or determination of the building official or his
27 authorized representative or any rule, regulation or amend-
28 ment or repeal thereof made by the building official;
29 provided, that summary abatement by the building official
30 or his authorized representative pursuant to Section 31053
31 of this Title shall be final and conclusive."

1 Section 7. Sections 36402, 36410, 36411, 36415, 36416,
2 36417, 36418, 36419, 36420 and 36421 of the Government Code are
3 amended by updating all references to the Uniform Building Code
4 to read "1976 Edition".

5 Section 8. Sections 31011(a), 31058, 31100 through 35802,
6 36405 and 36408 of the Government Code are hereby repealed.

7 Section 9. A new subsection (f) is added to Section 10503
8 of the Government Code (see P.L. 14-51) to read:

9 "(f) To sit as a 'Board of Appeals' to hear appeals
10 of any decision of the building official relative to the
11 suitability of alternate materials and methods of construc-
12 tion and to provide for reasonable interpretation of the
13 provisions of Title XXXII of the Government Code. When so
14 sitting, the Board shall adhere to the provisions of Section
15 31055 of the Government Code."

16 Section 10. Section 5105 is added to the Uniform Building
17 Code, 1976 edition, to read:

18 "Section 5105. Because of the frequent power outages
19 and earthquakes on island:

20 (a) each elevator car shall be equipped with
21 retainer plates and counterweight guide shoes to
22 prevent the car or counterweight from leaving the
23 rail; and

24 (b) each elevator car shall be equipped with a
25 detection device which will stop the elevator car at
26 the nearest floor if the counterweight leaves its
27 rails."