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NINTH GUAM LEGISLATURE
1968 (SECOND) Regular Session

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CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This certifies that Bill No. 230, "An Act to add Section 17203 to the Government Code of Guam and Subsection (e) to Section 17300, Subsection (j) to Section 17501, and Subsection (e) to Section 17502 and Subsection (e) of Section 19330 of said code relating to building and building height restrictions and variances thereto at the beaches of the territory", was on the 30th day of January, 1968, duly and regularly passed.


J. C. ARRIOLA
Speaker

ATTESTED:


F. T. RAMIREZ
Legislative Secretary

This Act was received by the Governor this 14th day
of February, 1968 at 2:51 o'clock P.M.

/s/ Denver Dickerson

DENVER DICKERSON
Secretary of Guam

APPROVED:


DENVER DICKERSON

DENVER DICKERSON
Governor of Guam
Acting

DATED: March 7 1968

3:00 p.m

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NINTH GUAM LEGISLATURE
1967 (FIRST) Regular Session

Bill No. 230

Introduced by

R. F. Taitano
F. T. Ramirez
M. U. Lujan
P. C. Santos

AN ACT TO ADD SECTION 17203 TO THE GOVERNMENT
CODE OF GUAM AND SUBSECTION (e) TO SECTION
17300, SUBSECTION (j) TO SECTION 17501, AND
SUBSECTION (e) TO SECTION 17502 AND SUBSECTION
(e) OF SECTION 19330 OF SAID CODE RELATING TO
BUILDING AND BUILDING HEIGHT RESTRICTIONS AND
VARIANCES THERETO AT THE BEACHES OF THE TERRITORY.

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

2 Section 1. Section 17203 is hereby added to the Government Code of
3 Guam to read as follows:

4 "Section 17203. Statement of Purposes; Building and Building
5 Height Restrictions in Beach Areas. (a) The Legislature finds
6 that the indiscriminate building of structures on the beaches of
7 the territory of Guam creates a menace to the well-being of the
8 people of the territory by increasing the pollution of tidal
9 waters, that such construction, in addition, deprives the people
10 of Guam of their right to the untrammelled use of beach areas
11 beyond the high water mark, and finally, that such construction
12 destroys the natural beauty of Guam's beaches, one of the territory's
13 greatest natural resources. Accordingly, it is the purpose of the
14 restrictions hereinafter contained to protect the beaches of Guam
15 for future generations, to alleviate the health problems caused
16 by construction near tidal areas, and to make certain that the people
17 of Guam remain free to use the beaches of the territory to the
18 maximum extent not incompatible with private ownership of the lands
19 adjoining said beaches.

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1 (b) Along any beach in the territory of Guam, no building
 2 may be constructed within thirty-five feet (35') of the mean high
 3 water mark bounding said beach, nor may any building higher than
 4 twenty feet (20') be constructed within seventy-five feet (75')
 5 of the said mean high water mark; provided, however, that if thirty
 6 per cent (30%) or more of the land area of any lot bounded by a
 7 beach is affected by the provisions hereof than as to such lot,
 8 the building restriction is reduced from thirty-five feet (35')
 9 to twenty feet (20'). For the purposes of this section, the term
 10 'beach' does not include those areas where the shoreline is a cliff
 11 or bluff higher than twenty-five (25'), nor shall it include those
 12 areas where the shoreline is bounded by village lots containing
 13 no more than a thousand square meters in those villages wherein
 14 residences have been constructed along the shoreline since prior
 15 to the Second World War, and the term 'building' includes any
 16 structure except a retaining wall that cannot be seen."

17 Section 2. Subsection (e) is hereby added to Section 17300 of
 18 the Government Code of Guam to read as follows:

19 "(e) A building nonconforming as to restrictions set forth
 20 in Section 17203 of this Title may be maintained and repaired but
 21 may not be enlarged, and in the case of its damage or partial des-
 22 truction by fire, flood, wind, earthquake, or other calamity, to
 23 the extent of not more than fifty per cent (50%) of its replacement
 24 cost at the time of such damage or destruction, then it may be
 25 restored, if the total cost of such restoration does not exceed
 26 fifty per cent (50%) of the replacement cost of the building at the
 27 time of such damage or destruction. Where the damage or destruction
 28 exceeds said cost, the building shall not be repaired or recons-
 29 tructed."

30 Section 3. Subsection (j) is hereby added to Section 17501 of
 31 the Government Code of Guam to read as follows:

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"(j) Permit the construction of buildings in violation of the restrictions of Section 17203 of this Title."

Section 4. Subsection (e) is hereby added to Section 17502 of the Government Code of Guam to read as follows:

"(e) That, as to variances from the restrictions of Section 17203 of this Title, the proposed building will substantially enhance the recreational, aesthetic or commercial value of the beach area upon which the building is to be constructed, and that such building will not interfere with or adversely affect the surrounding property owners' or the public's right to an untrammelled use of the beach and its natural beauty."

Section 5. Subsection (e) is hereby added to Section 19330 of the Government Code of Guam to read as follows:

"(e) Property upon which the provisions of Section 17203 of this Code prohibit the construction of buildings."