



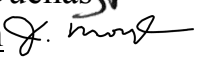
I Mina'trentai Sais Na Liheslaturan Guåhan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
156-36 (COR)	V. Anthony Ada Christopher M. Dueñas James C. Moylan	AN ACT TO <i>ADD</i> A NEW § 10107 TO CHAPTER 10, TITLE 20, GUAM CODE ANNOTATED RELATIVE TO ADDING CIVIL ORDERS OF ABATEMENTS AS A REMEDY FOR PUBLIC AND PRIVATE NUISANCES.	6/18/21 11:48 a.m.						

I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN
2021 (FIRST) Regular Session

Bill No. 156-36 (COR)

Introduced by:

V. Anthony Ada 
Christopher M. Dueñas 
James C. Moylan 

**AN ACT TO *ADD* A NEW § 10107 TO CHAPTER 10, TITLE
20, GUAM CODE ANNOTATED RELATIVE TO ADDING
CIVIL ORDERS OF ABATEMENTS AS A REMEDY FOR
PUBLIC AND PRIVATE NUISANCES.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds Guam's
3 nuisance law is adequate to define situations where one party engages in conduct or
4 an activity that is offensive to a neighbor or an entire neighborhood. § 10101 of 20
5 GCA defines a nuisance as:

6 “Anything which is injurious to health, or is indecent or offensive to the
7 senses, or an obstruction to the free use of property, so as to interfere
8 with the comfortable enjoyment of life or property, or unlawfully
9 obstructs the free passage or use, in the customary manner, of any river,
10 bay, stream, canal, or basin, or any public park, square, street, or
11 highway, is a *nuisance*.”

12 Therefore, many offensive activities qualify as nuisances such as burning trash,
13 playing loud music after 10pm, storing trash or other waste in sight of neighbors or
14 passersby and operating a business or other activity inconsistent with the zoning
15 designation or permitted uses of a lot.

1 *I Liheslaturan Guåhan* further finds that the remedies for nuisances are information
2 or complaint, a civil action; or abatement and may be utilized in a by the injured
3 party in accordance with public law.

4 It is the intent of the *I Liheslatura Guåhan* to allow civil authorities to issue orders
5 of abatement in addition to the existing remedies to curb the occurrences of public
6 and private nuisances.

7
8 **Section 2.** § 10107 is *added* to Chapter 10, Part 3, Title 20, Guam Code Annotated
9 to read as follows:

10 **“§ 10107. Civil Orders of Abatement.**

11 (a) The Director of Public Health and Social Services, the Director of Agriculture,
12 The Director of Public Works, the Chief of Police, the Administrator of the Guam
13 Environmental Protection Agency and the Mayors of each village or their designees
14 may issue civil orders of abatement to the offending party in remedy of nuisances as
15 defined by this chapter. Such orders do not limit the ability of residents to seek relief
16 from a nuisance pursuant to the provisions of Chapters 11 and 12 of Title 20, Guam
17 Code Annotated.

18 (b) Civil Orders of Abatement include, but are not limited, to:

19 (1) removal of the nuisance,

20 (2) destruction of the nuisance,

21 (3) concealment of the nuisance, and

22 (4) cease-and-desist orders

1 (c) The issuing authority may, *sua sponte*, determine the appropriate time for the
2 offending party abate the nuisance for periods of:

3 (1) Twenty-four (24) hours,

4 (2) Two (2) to Ten (10) days,

5 (3) Thirty (30) Days, or

6 (4) A specific time agreed to with the offending party.

7 (5) Any civil order of abatement issued to the offending party to cease and
8 desist creating excessive noise (noise abatement) is effective upon receipt of
9 the order by the offending party.

10 (6) Any civil order of abatement issued to the offending party to cease and
11 desist from conducting an unlawful activity or an activity inconsistent with
12 the zoning or permitted activities of the subject lot is effective between Two
13 (2) to Ten (10) days of the order by the offending party at the discretion of
14 the issuing authority.

15 (d) Failure to abate a nuisance as ordered pursuant to this section is subject to a fine
16 of One hundred dollars \$100.00 for each Thirty (30) day period the nuisance is
17 unabated. Failure to obey a cease-and-desist order is subject to a fine of One hundred
18 dollars (\$100) for each violation.

19 (e) If the offending party fails to adequately abate a nuisance as ordered, the issuing
20 authority may, *sua sponte*, abate the nuisance. The offending party is liable for all
21 costs associated with such abatement.

22 (f) Appeals of orders of abatement, fines and restitution authorized by this section
23 may be appealed to the Superior Court of Guam.”