

I Mina'Trentai Kuáttro Na Liheslaturan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
154-34 (COR) As corrected by the Prime Sponsor.	Thomas C. Ada	AN ACT TO ADD A NEW § 61547 AND AMEND § 61545 OF SUBARTICLE 5, ARTICLE 5, CHAPTER 61, TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO REGULATING OFF-PREMISE SIGNAGE, AND EXPANDING THE PENALTY FOR SIGNAGE VIOLATIONS AND INCLUDING A FINE FOR DELAYED ACTION ON SUCH VIOLATIONS.	7/20/2017 2:38 p.m. AS CORRECTED 7/28/17 3:38 p.m.						

I MINA'TRENTAI KUÁTTRO NA LIHESLATURAN GUÁHAN
2017 (FIRST) Regular Session

Bill No. 154-34 (COR)

As corrected by the Prime Sponsor.

Introduced by:

Thomas C. Ada

**AN ACT TO ADD A NEW § 61547 AND AMEND § 61545
OF SUBARTICLE 5, ARTICLE 5, CHAPTER 61, TITLE
21, GUAM CODE ANNOTATED, RELATIVE TO
REGULATING OFF-PREMISE SIGNAGE, AND
EXPANDING THE PENALTY FOR SIGNAGE
VIOLATIONS AND INCLUDING A FINE FOR DELAYED
ACTION ON SUCH VIOLATIONS.**

2017 JUL 28 PM 3:37
File

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that local statutes for outdoor commercial signage have not kept pace with technological advancements in the sign industry, including the use of digital display technology; as such, current local laws are not adequate to regulate this changing industry. Contemporary public policy is needed to ensure that off-premise signs, digital or static, do not distract drivers and endanger the public safety on Guam's roads, that the aesthetics of the community environment are protected, and that off-premise signs are placed and operated in a manner that does not harm surrounding properties.

I Liheslaturan Guåhan further finds that strict enforcement of existing statutes on signage may result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the law. Local regulations most directly impacting off-premise signage, to include digital display signs and static billboards,

1 were last updated in 1980, and have not kept pace with updates in technological
2 advancements and related research and changing community values. If managed
3 properly, off-premise signage can provide significant public benefit, including the
4 ability to disseminate important public service announcements in a timely manner,
5 such as Amber Alerts and storm warnings.

6 As such, it is the intent of *I Liheslaturan Guåhan* to authorize the use of off-
7 premise signage, to include digital display signage and static billboards, update local
8 statutes by incorporating advancements in the digital sign industry, and to effectively
9 and safely manage off-premise signage.

10 *I Liheslaturan Guåhan* also intends to establish limitations on off-premise
11 signs to ensure they are appropriate to the land, building or use to which they are
12 appurtenant and are adequate for their intended purpose while balancing the
13 individual and community interests. This Act does not regulate every form and
14 instance of visual communication that may be displayed within the jurisdictional
15 limits of the community. Rather, they are intended to regulate those forms and
16 instances that are most likely to meaningfully affect one or more of the purposes set
17 forth above.

18 Finally, *I Liheslaturan Guåhan* intends to promote off-premise signs that are
19 compatible with the use of the property to which they are appurtenant, landscape and
20 architecture of surrounding buildings, are legible and appropriate to the activity to
21 which they pertain, are not distracting to motorists, and are constructed and
22 maintained in a structurally sound and attractive condition. These regulations do not
23 eliminate all of the harms that may be created by the installation and display of signs.
24 Rather, they strike an appropriate balance that preserves ample channels of
25 communication by means of visual display while still reducing and mitigating the
26 extent of the harms caused by signs.

27 **Section 2.** A new § 61547 is hereby *added* Subarticle 5, Article 5, Chapter

1 61, Title 21, Guam Code Annotated, to read:

2 **“§ 61547. Regulation of Off-Premise Signage.**

3 (a) General Provisions. Signs can potentially obstruct views, distract
4 motorists, displace alternative uses for land, and pose other problems
5 that legitimately call for regulation. The purpose of this Act is to
6 regulate the size, color, illumination, movement, location, height and
7 condition of off-premise signs placed on private or public property for
8 exterior observation, thus ensuring the protection of property values,
9 the character of the various neighborhoods, the creation of a
10 convenient, attractive and harmonious community, protection against
11 destruction of or encroachment on historic convenience to citizens and
12 encouraging economic development. This Section allows adequate
13 communication through signage while encouraging aesthetic quality in
14 the design, location, size and purpose of all signs. This Article must be
15 interpreted in a manner consistent with the First Amendment guarantee
16 of free speech.

17 (b) Definitions.

18 (1) Commercial sign: Any sign which is an off-premise
19 advertising sign promoting a service, business or product.

20 (2) Digital billboard: A sign that is static and changes messages
21 by any electronic process or remote control.

22 (3) Electric: Any sign containing electric wiring. This does not
23 include signs illuminated by an exterior floodlight source.

24 (4) Flashing: Any illumined sign on which the artificial light is
25 not maintained stationary or constant in intensity and color at all
26 times when such sign is in use. For the purpose of this Section

1 any moving illuminated sign, except digital billboards, shall be
2 considered a flashing sign.

3 (5) Flat wall (façade-mounted): A sign affixed directly to or
4 painted on or otherwise inscribed on an exterior wall and
5 confined within the limits thereof of any building and which
6 projects from that surface less than twelve (12) inches at all
7 points.

8 (6) Freestanding: A sign erected and maintained on a frame,
9 mast or pole not attached to any building, and not including
10 ground mounted signs.

11 (7) Government sign: A government sign is a sign that is
12 constructed, placed or maintained by the federal or local
13 government or a sign that is required to be constructed, placed or
14 maintained by the government either directly or to enforce a
15 property owner's rights.

16 (8) Ground mounted: A sign which extends from the ground, or
17 has support which places the bottom of the sign less than two (2)
18 feet from the ground.

19 (9) Legal non-conforming off-premise sign: Off-premise signs
20 that were approved by the government of Guam and erected in
21 accordance with stipulations provided by the government of
22 Guam prior to the adoption of this ordinance and which do not
23 conform to the provisions of this ordinance are declared legal
24 non-conforming signs. A sign that is erected and that is in place
25 and which conforms to the provisions of the sign ordinance at the
26 time it is erected, but which does not conform to an amendment

1 to this ordinance enacted subsequent to the erection of said sign
2 is also declared a legal non-conforming off-premise sign.

3 (10) Off-premise sign: A sign which advertises goods, products
4 or services which are not sold, manufactured or distributed on or
5 from the premises or facilities on which the sign is located.

6 (11) Original art display: A hand-painted work of visual art that
7 is either affixed to or painted directly on the exterior wall of a
8 structure with the permission of the property owner. An original
9 art display does not include: mechanically produced or computer
10 generated prints or images, including, but not limited to, digitally
11 printed vinyl; electrical or mechanical components; or changing
12 image art display.

13 (12) Portable sign: Any structure without a permanent
14 foundation or otherwise permanently attached to a fixed location,
15 which can be carried, towed, hauled or driven and is primarily
16 designed to be moved rather than be limited to a fixed location
17 regardless of modifications that limit its movability.

18 (13) Projecting: A sign, other than a wall sign, which projects
19 from and is supported by a wall of a building or structure.

20 (14) Roadway sign: A freestanding sign, integral sign or flat
21 mounted sign that is erected and maintained within the view of
22 motorists who are driving on a roadway.

23 (15) Roof sign: A sign located on or above the roof of any
24 building, not including false mansard roof, canopy, or other
25 fascia.

26 (16) Sign: A name, identification, description, display or
27 illustration, which is affixed to, painted or represented directly or

1 indirectly upon a building, or other outdoor surface which directs
2 attention to or is designed or intended to direct attention to the
3 sign face or to an object, product, place, activity, person,
4 institution, organization or business. Signs located completely
5 within an enclosed building, and not exposed to view from a
6 street, must not be considered a sign. Each display surface of a
7 sign or sign face must be considered to be a sign.

8 (17) Sign area: the space enclosed within the extreme edges of
9 the sign for each sign face, not including the supporting structure;
10 or, where attached directly to a building wall or surface, the space
11 within the outline enclosing all the characters of the words,
12 numbers or design.

13 (18) Sign face: The entire display surface area of a sign upon,
14 against or through which copy is placed.

15 (19) Temporary: A banner, pennant, poster or advertising display
16 constructed of paper, cloth, canvas, plastic sheet, cardboard,
17 wallboard, plywood or other like materials and that appears to be
18 intended or is determined by the code official to be displayed for
19 a period not to exceed thirty (30) days from the date of
20 installation.

21 (c) Prohibited Signs. Signs are prohibited unless:

22 (1) constructed pursuant to a valid building permit when required
23 under this Code; and authorized under this Code;

24 (2) in residential zones or on property used for non-transient
25 residential uses, or in areas where at least sixty percent (60%) of
26 the properties within a five hundred (500) feet radius of the

1 proposed sign location is zoned residential, commercial signs are
2 prohibited.

3 (d) Permit Required.

4 (1) In General. A sign permit is required prior to the display or
5 erection of any off-premise sign except as provided by this
6 Chapter.

7 (2) Application for Permit.

8 (A) An application for a sign permit must be filed with the
9 Department of Public Works Director, or his designee, on
10 forms furnished by the Department of Public Works
11 (DPW). The applicant must provide sufficient information
12 to determine if the proposed sign is allowed under this
13 Code and other applicable federal and local laws and
14 regulations. An application for a temporary sign must state
15 the dates intended for the erection and removal of the sign.
16 An application for any sign must state the date when the
17 owner intends to erect it.

18 (B) The application shall be accompanied by complete
19 information as required on forms provided by DPW and
20 shall include, but not be limited to, a site plan and
21 elevation drawings of the proposed off-premise sign,
22 indicating the proposed location of the sign, setbacks,
23 height, dimensions and square footage of the proposed
24 sign, and any other data as DPW may determine is
25 necessary for review of the application.

1 (C) In the case of new building construction, off-premise
2 signage may be represented on the project's DPW building
3 permit application and construction plans.

4 (D) Failure to secure a permit prior to construction or
5 installation of the sign shall constitute a violation of this
6 Act and be subject to penalties as provided by this Chapter.

7 (E) DPW must promptly process the sign permit
8 application and approve or reject the application, or notify
9 the applicant of deficiencies in the application within
10 forty-five (45) days after receipt.

11 (F) DPW may refer applications and accompanying plans
12 to the Guam Visitors Bureau (GVB) and the respective
13 municipal Mayor to ensure conformity to the provisions of
14 this Code; however, DPW's decision is final in all such
15 matters.

16 (G) DPW may implement superseding procedures, forms,
17 and written policies for administering the provisions of
18 this Code.

19 (H) If the application is rejected, DPW must provide, in
20 writing, a list of the reasons for the rejection. An
21 application must be rejected for non-compliance with the
22 terms of this code, the zoning ordinance, building code, or
23 other applicable law, regulation, or ordinance. Rejected
24 applications may be appealed to the Director of DPW,
25 provided the appeal is submitted in writing within fifteen
26 (15) days from the date of rejection.

1 (I) Failure to erect the sign within one (1) year of the date
2 of approval of the application by the Department shall
3 result in the permit being voided. However, the
4 Department may grant an extension of up to sixty (60)
5 days with proper justification from the applicant.

6 (J) Maintenance of signs shall not require a permit,
7 provided that such maintenance does not alter the location,
8 dimensions, or make any other material change that DPW
9 determines not to match the specifications of the sign
10 originally permitted.

11 (K) Any transfer of ownership for an existing permitted
12 off-premise sign shall require approval from DPW and
13 shall be recorded in the Records Division of Land
14 Management; in such case, a transfer fee shall apply in an
15 amount equal to a new permit.

16 (3) Permit Fee. A non-refundable fee of Four Hundred Dollars
17 (\$400) paid to the government of Guam shall accompany all off-
18 premise sign permit applications.

19 (A) Permit Renewal. Permits shall be renewed every four
20 (4) years, at which point a similar fee shall be assessed.

21 (B) Forfeiture of Fees. When any permit has been revoked
22 or application rejected under the terms of this Act, the
23 respective permit fee shall not be refunded.

24 (4) Duration and Revocation of Permit. If a sign is not installed
25 within one (1) year following the approval of an off-premise sign
26 permit application, the permit shall become void. The permit for
27 a temporary sign must state its duration, not to exceed thirty (30)

1 days. DPW may revoke a sign permit under any of the following
2 circumstances:

3 (A) DPW determines that information in the application
4 was materially false or misleading;

5 (B) mistake of material facts by the issuing authority for
6 which, had the correct facts been made known, the sign
7 permit in question would not have been issued;

8 (C) the sign as installed does not conform to the sign
9 permit application;

10 (D) failure to construct the off-premise sign structure
11 within the timeframe stipulated on the approved
12 application;

13 (E) any alteration of a sign structure for which a permit has
14 been issued which would cause that sign structure to fail
15 to comply with the provisions of this Act;

16 (F) the sign violates this code, zoning laws, the building
17 code, or any other applicable law, regulation, either federal
18 or local; or

19 (G) DPW determines that the sign is not being properly
20 maintained or has been abandoned.

21 (5) Permits Not Required. An off-premise sign permit is not
22 required for any official notices or advertisements posted or
23 displayed by or under the direction of any public or court officer
24 in the performance of official or directed duties; provided, that
25 all such signs must be removed no more than ten (10) days after
26 their purpose has been accomplished.

1 (e) Specific Off-Premise Sign Regulations by Property Zoning. The
2 following off-premise sign regulations must apply as indicated:

3 (1) Residential and Agricultural Zones. Off-premise signs are
4 not permitted on residential or agricultural zoned property; such
5 restrictions do not include temporary political campaign signs as
6 regulated by § 61542 of this Chapter.

7 (2) Commercial and Industrial Zones. This Subsection shall
8 apply to all commercial and industrial zoned property.

9 (A) Off-Premise Sign Regulations:

10 (i) All applicable building codes must be followed,
11 and the off-premise sign must not be detrimental to
12 public safety or property.

13 (ii) Should a sign be determined to be a direct
14 contributor to traffic accidents, as determined by the
15 Department of Public Works, who may be assisted by the
16 Guam Police Department and the Office of Highway
17 Safety, the owner of the sign shall take appropriate action
18 to mitigate the situation or remove the sign as may be
19 directed by the Director of DPW;

20 (iii) Sign Area: Off-premise signs must not exceed
21 thirty-two (32) square feet of sign area if adjacent to a
22 public street of three (3) lanes or less, and must not exceed
23 two hundred (200) square feet of sign area if adjacent to
24 a public street of four (4) lanes or more.

25 (iv) Dimension and Spacing: Off-premise signs
26 must not exceed a length of twenty-five (25) feet or a
27 height, excluding foundation and supports, of twelve (12)

1 feet. In determining spacing limitations, the following
2 must apply:

3 (aa) Minimum spacing must be as follows:

<u>Type of Roadway</u>	<u>Minimum distance from intersection (in feet)</u>	<u>Minimum distance between signs on same side of road (in feet)</u>
<u>Two lane road</u>	<u>500</u>	<u>1,000</u>
<u>Three or more lane road</u>	<u>1,000</u>	<u>2,500</u>

4
5 (bb) For the purpose of applying the distance
6 requirements above, the following must apply:

7 (1) distances must be measured
8 parallel to the centerline of the highway;

9 (2) measurements for the distance
10 between off-premise signs must be based on
11 when the construction of the sign:

12 (A) received final approval by
13 the Department of Public Works
14 (DPW) measuring from the first off-
15 premise sign to have received that
16 approval; or

17 (B) if DPW has not given final
18 approval to an off-premise sign that
19 will be limited by the spacing
20 requirement once it is constructed,
21 then

22 (i) measured from the
23 first off-premise sign given a

1 building permit that is not
2 cancelled or void at the time of
3 measurement; or

4 (ii) when no permit has
5 been issued that is still valid,
6 measured from the first fully
7 complete application for an off-
8 premise sign permit received by
9 DPW that has not been
10 cancelled or which is void; and

11 (iii) a back-to-back,
12 multiple off-premise signs on
13 one (1) freestanding pole,
14 double-faced or V-type off-
15 premise sign must be considered
16 as one (1) off-premise sign.

17 (3) A maximum of two (2) faces per
18 off-premise sign structure is allowed,
19 positioned either back to back or v-shaped,
20 such that only one (1) face is allowed per
21 side. Both sides of a double-faced or v-
22 shaped off-premise sign shall be of equal
23 size. In no case shall there be more than one
24 (1) face per directional flow of traffic.

25 (B) Setbacks. Minimum setback distances shall be as
26 follows:

- 1 (i) ten (10) feet from the edge of any road right-of-
2 way;
3 (ii) twenty (20) feet from the edge of the travel way
4 of a road if no right-of-way exists; and
5 (iii) twenty-five (25) feet from property lines other
6 than (i) and (ii).

7 (C) Location.

8 (i) Flat wall off-premise signs may be located on
9 any wall of a building.

10 (ii) Freestanding off-premise signs must have a
11 minimum clearance of eight (8) feet six (6) inches
12 above a sidewalk and fifteen (15) feet above
13 driveways or alleys.

14 (iii) A freestanding off-premise sign may project up
15 to a right-of-way provided there is a minimum
16 ground clearance of eight (8) feet six (6) inches and
17 provided the location complies with all federal and
18 local statutes.

19 (iv) Wall signs must not extend above the top of a
20 parapet wall or a roofline at the wall, whichever is
21 higher.

22 (v) No portion of a digital billboard must be located
23 within two hundred fifty (250) linear feet of the
24 property line of a parcel with a residential land use
25 designation.

26 (D) Height.

1 (i) Ground-mounted off-premise signs must not
2 exceed four (4) feet in height from ground level.

3 (ii) Freestanding off-premise signs and digital
4 billboards must not exceed twenty-eight (28) feet in
5 height from ground level.

6 (E) Owner provides a periodic maintenance plan and
7 natural disaster mitigation plan, submitted to and approved
8 by DPW;

9 (i) should the sign be freestanding, a visually
10 acceptable six (6) foot tall barrier or landscaping must be
11 constructed around the base of the sign.

12 (F) Contact Information Required. All permitted off-
13 premise signs shall have contact information affixed to the
14 sign.

15 (G) Non-Commercial Messages. Any sign allowed under
16 this Act may contain, in lieu of any other copy, any
17 otherwise lawful non-commercial message that does not
18 direct attention to a business operated for profit, or to a
19 commodity or service for sale.

20 (H) Public Service Announcements. Fifteen percent (15%)
21 of advertisement time every hour shall be made available
22 for public service announcements, and shall not be
23 banked.

24 (f) Illumination. No off-premise sign may be erected or maintained
25 which, by use of lights or illumination, creates a distracting or
26 hazardous condition to a motorist, pedestrian or the general public. In
27 addition:

1 (1) No exposed reflective type bulb, par spot or incandescent
2 lamp, which exceeds twenty-five (25) watts, may be exposed to
3 direct view from a public street or highway; however, it may be
4 used for indirect light illumination of the display surface of an
5 off-premise sign.

6 (2) Any digital display, as well as all other lighting on or related
7 to an off-premise sign, shall include a device, such as a variable
8 control regulator, to modulate the brightness of the light.

9 (3) When neon tubing is employed on the exterior or interior of
10 an off-premise sign, the capacity of such tubing must not exceed
11 three hundred (300) milliamperes rating for white tubing or one
12 hundred (100) milliamperes rating for any colored tubing.

13 (4) When fluorescent tubes are used for the interior illumination
14 of an off-premise sign, such illumination must not exceed an
15 equivalent to eight hundred (800) milliamperes rating tubing
16 behind a plexiglass face spaced at least nine (9) inches, center to
17 center.

18 (5) Digital billboards allowed pursuant to this Act must:

19 (A) display only static messages that remain constant in
20 illumination intensity and do not have movement or the
21 appearance or optical illusion of movement;

22 (B) not operate at an intensity level of more than 0.3 foot-
23 candles over ambient light as measured at a distance of one
24 hundred fifty (150) feet;

25 (C) be equipped with a fully operational light sensor that
26 automatically adjusts the intensity of the billboard
27 according to the amount of ambient light;

1 (D) change from one (1) message to another message no
2 more frequently than once every ten (10) seconds and the
3 actual change process is accomplished in two (2) seconds
4 or less;

5 (E) be designed to either freeze the display in one (1) static
6 position, display a full black screen, or turn off in the event
7 of a malfunction; and

8 (F) not be authorized until DPW is provided evidence that
9 best industry practices for eliminating or reducing uplight
10 and light trespass were considered and built into the digital
11 billboard.

12 (g) Prohibited Off-Premise Signs. The following signs or lights are
13 prohibited which:

14 (1) are of a size, location, movement, coloring, or manner of
15 illumination which may be confused with or construed as a traffic
16 control device or which hide from view any traffic or street sign
17 or signal;

18 (2) contain or consist of banners, posters, pennants, ribbons,
19 streamers, strings of light bulbs, spinners, or other similarly
20 moving devices or signs which may move or swing as a result of
21 wind pressure. These devices when part of any sign are similarly
22 prohibited, unless they are permitted specifically by other
23 legislation;

24 (3) have blinking, flashing or fluttering lights or other
25 illuminating devices which exhibit movement, except digital
26 billboards as permitted pursuant to this Act;

1 (4) would be an original art display but does not have the
2 permission of the owner of the property on which it is located or
3 is graffiti; or

4 (5) are portable signs that do not comply with the location, size
5 or use restrictions of this Act.

6 (h) Compliance. Any off-premise sign which is altered, relocated, or
7 replaced must be brought immediately into compliance with all
8 provisions of this Act.

9 (i) Maintenance.

10 (1) Standards. The maintenance of off-premise signs shall be the
11 responsibility of the sign owner. The following minimum
12 maintenance standards shall be required:

13 (A) No sign shall have more than twenty percent (20%) of
14 its surface area covered with disfigured, cracked, ripped or
15 peeling paint or poster paper for a period of more than
16 thirty (30) consecutive days.

17 (B) No sign shall be allowed to stand with bent or broken
18 sign facing, broken supports, loose appendages or struts or
19 be allowed to stand more than fifteen (15) degrees away
20 from the perpendicular for a period of more than thirty
21 (30) consecutive days.

22 (C) No sign shall be allowed to have weeds, vines,
23 landscaping or other vegetation growing upon it or
24 obscuring its view from the street or highway from which
25 it is to be viewed for a period of more than thirty (30)
26 consecutive days.

1 (D) No directly or indirectly illuminated sign may be
2 allowed to stand with only partial illumination for a period
3 of more than thirty (30) consecutive days.

4 (2) Enforcement.

5 (A) The Department of Public Works shall be responsible
6 for inspecting all signs for compliance with the
7 maintenance requirements of this Act, and may be assisted
8 by the Guam Visitors Bureau and by Guam peace officers
9 as provided by this Act.

10 (B) The Department of Public Works has final authority in
11 determining whether a violation has occurred, and to
12 enforce compliance with this Act.

13 (j) Conflicts of Regulations. Where there is a conflict between a land
14 use regulation and a structural regulation, or other conflicts not
15 otherwise addressed by this Section, the most restrictive regulation
16 applies.”

17 **Section 3. Existing Off-Premise Signage.** Any off-premise sign or digital
18 billboard which has been granted a variance by the Guam Land Use Commission, or
19 has been issued a Notice of Action from the Guam Land Use Commission, on or
20 before May 15, 2017, shall be deemed a legal non-conforming off-premise sign and
21 legally authorized to operate, provided that all business license requirements are met
22 and are thereafter maintained in good standing. Signs which were non-conforming
23 to prior Guam law and which do not conform to this Act must be removed
24 immediately.

25 **Section 4. Amortization of Legal Non-conforming Off-Premise**
26 **Signage.** For the purpose of amortization, legal non-conforming off-premise signs

1 may be continued from the effective date of this Act for a period not to exceed five
2 (5) years.

3 **Section 5.** § 61545 of Subarticle 5, Article 5, Chapter 61, Title 21, Guam
4 Code Annotated, is hereby *amended* to read:

5 **“§ 61545. Penalty.**

6 Any person who violates ~~the~~ a provision of ~~§ 61544~~ of this Chapter
7 shall be subject to a civil penalty not to exceed One Thousand Dollars (\$1,000)
8 for each such violation. Should such violation not be mitigated within ten (10)
9 business days of notice of violation from the Department of Public Works,
10 said person shall be subject to an additional late action civil penalty not to
11 exceed One Hundred Dollars (\$100) per day for each remaining violation. The
12 Director of Public Works shall have the authority to waive part or all of the
13 late action penalty should the violator demonstrate a good faith effort to
14 address the violation in a timely manner, provided that such waiver is limited
15 to thirty (30) days. Actions to recover the penalty provided for in this Section
16 shall be brought by the Attorney General at the request of any person in the
17 territory of Guam. All ~~penalties~~ penalties recovered in any such action shall
18 be paid into the General Fund.”

19 **Section 6. Severability.** If any provision of this Act or its application to any
20 person or circumstance is found to be invalid, or contrary to law, such invalidity
21 *shall not* affect other provisions or applications of this Act that can be given effect
22 without the invalid provision or application, and to this end the provisions of this
23 Act are severable.