

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)	Thomas C. Ada	AN ACT TO ADD A NEW §61547 OF CHAPTER 61 OF TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO OFF-PREMISE SIGNAGE, AND AMEND §61545 OF CHAPTER 61 OF TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO EXPANDING THE PENALTY FOR SIGNAGE VIOLATIONS AND INCLUDING A FINE FOR DELAYED ACTION ON SUCH VIOLATIONS.	7/20/2017 2:38 p.m.						

I MINA'TRENTAI KUATTRO NA LIHESLATURAN GUÅHAN
2017 (FIRST) Regular Session

2017 JUL 20 PM 2:38

Bill No. 154-34(COR)

Introduced by:

Thomas C. Ada 



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

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

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

11 *I Liheslatura* further finds that strict enforcement of existing statutes on
12 signage may result in practical difficulties or unnecessary hardships inconsistent
13 with the general purpose and intent of the law. Local regulations most directly
14 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 of Chapter 61, Title 21, Guam Code Annotated,

1 is hereby *added* to read:

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

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

16 b) **Definitions**

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

19 2) **Digital Billboard:** A sign that is static and changes
20 messages by any electronic process or remote control.

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

23 4) **Flashing:** Any illumined sign on which the artificial light
24 is not maintained stationary or constant in intensity and color at all
25 times when such sign is in use. For the purpose of this section any
26 moving illuminated sign, except digital billboards, shall be considered
27 a flashing sign.

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

5 6) **Freestanding:** A sign erected and maintained on a frame,
6 mast or pole not attached to any building, and not including ground
7 mounted signs.

8 7) **Government Sign:** A government sign is a sign that is
9 constructed, placed or maintained by federal or local government or a
10 sign that is required to be constructed, placed or maintained by the
11 government either directly or to enforce a property owner's rights.

12 8) **Ground Mounted:** A sign which extends from the
13 ground, or has support which places the bottom of the sign less than
14 two (2) feet from the ground.

15 9) **Legal Non-conforming Off-Premise Sign:** Off-Premise
16 Signs that were approved by the government of Guam and erected in
17 accordance with stipulations provided by the government of Guam
18 prior the adoption of this ordinance and which do not conform to the
19 provisions of this ordinance are declared legal non-conforming signs.
20 A sign that is erected and that is in place and which conforms to the
21 provisions of the sign ordinance at the time it is erected, but which does
22 not conform to an amendment to this ordinance enacted subsequent to
23 the erection of said sign is also declared a legal non-conforming off-
24 premise sign.

25 10) **Off Premise Sign:** A sign which advertises goods,
26 products or services which are not sold, manufactured or distributed on
27 or from the premises or facilities on which the sign is located.

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

7 12) **Portable Sign:** Any structure without a permanent
8 foundation or otherwise permanently attached to a fixed location, which
9 can be carried, towed, hauled or driven and is primarily designed to be
10 moved rather than be limited to a fixed location regardless of
11 modifications that limit its movability.

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

14 14) **Roadway Sign:** A Freestanding sign, Integral Sign or Flat
15 Mounted Sign that is erected and maintained within the view of
16 motorists who are driving on a roadway.

17 15) **Roof Sign:** A sign located on or above the roof of any
18 building, not including false mansard roof, canopy, or other fascia.

19 16) **Sign:** A name, identification, description, display or
20 illustration, which is affixed to, painted or represented directly or
21 indirectly upon a building, or other outdoor surface which directs
22 attention to or is designed or intended to direct attention to the sign face
23 or to an object, product, place, activity, person, institution, organization
24 or business. Signs located completely within an enclosed building, and
25 not exposed to view from a street, must not be considered a sign. Each
26 display surface of a sign or sign face must be considered to be a sign.

1 17) **Sign area:** the space enclosed within the extreme edges of
2 the sign for each sign face, not including the supporting structure; or,
3 where attached directly to a building wall or surface, the space within
4 the outline enclosing all the characters of the words, numbers or
5 design.

6 18) **Sign face:** The entire display surface area of a sign upon,
7 against or through which copy is placed.

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

13 c) **Prohibited Signs.** Signs are prohibited unless:

14 1) Constructed pursuant to a valid building permit when
15 required under this Code; and Authorized under this Code.

16 2) In residential zones or on property used for non-transient
17 residential uses, or in areas where at least sixty percent (60%) of the
18 properties within a 500 foot radius of the proposed sign location is
19 zoned Residential, commercial signs are prohibited.

20 d) **Permit required.**

21 1) *In general.* A sign permit is required prior to the display
22 or erection of any off-premise sign except as provided by this Chapter.

23 2) *Application for permit.*

24 i. An application for a sign permit must be filed with
25 the Department of Public Works Director, or his designee, on
26 forms furnished by the Department of Public Works (DPW). The

1 applicant must provide sufficient information to determine if the
2 proposed sign is allowed under this code and other applicable
3 federal and local laws and regulations. An application for a
4 temporary sign must state the dates intended for the erection and
5 removal of the sign. An application for any sign must state the
6 date when the owner intends to erect it.

7 ii. The application shall be accompanied by complete
8 information as required on forms provided by DPW and shall
9 include, but not limited to, a site plan and elevation drawings of
10 the proposed off-premise sign, indicating the proposed location
11 of the sign, setbacks, height, dimensions and square footage of
12 the proposed sign, and any other data as DPW may determine is
13 necessary for review of the application.

14 iii. In the case of new building construction, off-
15 premise signage may be represented on the project's DPW
16 Building Permit application and construction plans.

17 iv. Failure to secure a permit prior to construction or
18 installation of the sign shall constitute a violation of this Act and
19 be subject to penalties as provided by this Chapter.

20 v. DPW must promptly process the sign permit
21 application and approve or reject the application, or notify the
22 applicant of deficiencies in the application within forty-five (45)
23 days after receipt.

24 vi. DPW may refer applications and accompanying
25 plans to GVB and the respective municipal Mayor to ensure
26 conformity to the provisions of this Code,; however, DPW's
27 decision is final in all such matters.

1 vii. DPW may implement superseding procedures,
2 forms, and written policies for administering the provisions of
3 this Code.

4 viii. If the application is rejected, DPW must provide, in
5 writing, a list of the reasons for the rejection. An application must
6 be rejected for non-compliance with the terms of this code, the
7 zoning ordinance, building code, or other applicable law,
8 regulation, or ordinance. Rejected applications may be appealed
9 to the Director of DPW, provided the appeal is submitted in
10 writing within fifteen (15) days from the date of rejection.

11 ix. Failure to erect the sign within one (1) year of the
12 date of approval of the application by the Department shall result
13 in the permit being voided. However, the Department may grant
14 an extension of up to sixty (60) days with proper justification
15 from the applicant.

16 x. Maintenance of signs shall not require a permit,
17 provided that such maintenance does not alter the location,
18 dimensions, or make any other material change that DPW
19 determines not to match the specifications of the sign originally
20 permitted.

21 xi. Any transfer of ownership for an existing permitted
22 Off-Premise Sign shall require approval from DPW and shall be
23 recorded in the Records Division of Land Management; in such
24 case, a Transfer Fee shall apply in an amount equal to a new
25 permit.

1 3) *Permit fee.* A nonrefundable fee of four hundred dollars
2 (\$400) paid to the government of Guam shall accompany all Off-
3 Premise Sign Permit applications.

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

6 ii. Forfeiture of Fees. When any permit has been
7 revoked or application rejected under the terms of this Act, the
8 respective permit fee shall not be refunded.

9 4) *Duration and Revocation of Permit.* If a sign is not
10 installed within one (1) year following the approval of an Off-Premise
11 Sign Permit application, the permit shall become void. The permit for
12 a temporary sign must state its duration, not to exceed 30 days. DPW
13 may revoke a sign permit under any of the following circumstances:

14 i. DPW determines that information in the application
15 was materially false or misleading;

16 ii. Mistake of material facts by the issuing authority for
17 which, had the correct facts been made known, the sign permit in
18 question would not have been issued.

19 iii. The sign as installed does not conform to the sign
20 permit application;

21 iv. Failure to construct the off-premise sign structure
22 within the timeframe stipulated on the approved application.

23 v. Any alteration of a sign structure for which a permit
24 has been issued which would cause that sign structure to fail to
25 comply with the provisions of this Act.

1 vi. The sign violates this code, zoning laws, the
2 building code, or any other applicable law, regulation, either
3 federal or local; or

4 vii. DPW determines that the sign is not being properly
5 maintained or has been abandoned.

6 5) *Permits not required.* An Off-Premise Sign Permit is not
7 required for any official notices or advertisements posted or displayed
8 by or under the direction of any public or court officer in the
9 performance of official or directed duties; provided, that all such signs
10 must be removed no more than ten (10) days after their purpose has
11 been accomplished.

12 e) **Specific Off-Premise Sign Regulations by Property Zoning.**

13 The following off-premise sign regulations must apply as indicated:

14 1) **Residential and Agricultural Zones.** Off-Premise Signs
15 are not permitted on Residential or Agricultural Zoned property; such
16 restrictions do not include temporary political campaign signs as
17 regulated by §61542 of this Chapter.

18 2) **Commercial and Industrial Zones.** This Subsection
19 shall apply to all Commercial and Industrial Zoned property.

20 i. Off-Premise Sign regulations:

21 1. All applicable building codes must be
22 followed, and the Off-Premise Sign must not be
23 detrimental to public safety or property;

24 a. Should a sign be determined to be a
25 direct contributor to traffic accidents, as
26 determined by the Department of Public Works,
27 who may be assisted by the Guam Police

1 Department and the Office of Highway Safety, the
2 owner of the sign shall take appropriate action to
3 mitigate the situation or remove the sign as may be
4 directed by the Director of DPW;

5 2. Sign Area: Off-Premise Signs must not
6 exceed 32 sq. ft. of sign area if adjacent to a public street
7 of three (3) lanes or less, and must not exceed 200 sq. ft.
8 of sign area if adjacent to a public street of four (4) lanes
9 or more.

10 3. Dimension and Spacing: Off-Premise signs
11 must not exceed a length of twenty-five (25) feet or a
12 height, excluding foundation and supports, of twelve (12)
13 feet. In determining spacing limitations, the following
14 must apply:

15 a. Minimum spacing must be as follows:

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

16
17 4. For the purpose of applying the distance
18 requirements above, the following must apply:

19 a. Distances must be measured parallel to
20 the centerline of the highway;

1 b. Measurements for the distance
2 between off-premise signs must be based on when
3 the construction of the sign:

4 i. Received final approval by the
5 Department of Public Works (DPW)
6 measuring from the first off-premise sign to
7 have received that approval; or

8 ii. If DPW has not given final
9 approval to an off-premise sign that will
10 be limited by the spacing requirement once
11 it is constructed, then

12 1. Measured from the first
13 off-premise sign given a building
14 permit that is not cancelled or void at
15 the time of measurement; or

16 2. When no permit has been
17 issued that is still valid, measured from
18 the first fully complete application for
19 an off-premise sign permit received by
20 DPW that has not been cancelled or
21 which is void; and

22 iii. A back-to-back, multiple off-
23 premise signs on one freestanding pole,
24 double-faced or V-type off-premise sign
25 must be considered as one off-premise sign.

1 c. A maximum of two (2) faces per off-
2 premise sign structure is allowed, positioned either
3 back to back or v-shaped, such that only one (1) face
4 is allowed per side. Both sides of a double-faced or
5 v-shaped off-premise sign shall be of equal size. In
6 no case shall there be more than one face per
7 directional flow of traffic.

8 ii. Setbacks. Minimum setback distances shall be as
9 follows:

10 1. Ten (10) feet from the edge of any road right-
11 of-way.

12 2. Twenty (20) feet from the edge of the travel
13 way of a road if no right-of-way exists.

14 3. Twenty-five (25) feet from property lines
15 other than (i) and (ii).

16 iii. Location:

17 1. Flat Wall Off-Premise Signs may be located
18 on any wall of a building.

19 2. Freestanding Off-Premise Signs must have a
20 minimum clearance of eight (8) feet six (6) inches above a
21 sidewalk and fifteen (15) feet above driveways or alleys.

22 3. A freestanding off-premise sign may project
23 up to a right-of-way provided there is a minimum ground
24 clearance of eight (8) feet six (6) inches and provided the
25 location complies with all federal and local statutes.

1 4. Wall signs must not extend above the top of
2 a parapet wall or a roofline at the wall, whichever is
3 higher.

4 5. No portion of a digital billboard must be
5 located within two hundred and fifty (250) linear feet of
6 the property line of a parcel with a residential land use
7 designation.

8 iv. Height:

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

11 2. Freestanding off-premise signs and digital
12 billboards must not exceed twenty-eight (28) feet in height
13 from ground level.

14 v. Owner provides a periodic maintenance plan and
15 natural disaster mitigation plan, submitted to and approved by
16 DPW;

17 vi. Should the sign be freestanding, a visually
18 acceptable Six (6) foot tall barrier or landscaping must be
19 constructed around the base of the sign.

20 vii. Contact Information Required. All permitted Off-
21 Premise Signs shall have contact information affixed to the sign.

22 viii. Non-Commercial Messages. Any sign allowed
23 under this Act may contain, in lieu of any other copy, any
24 otherwise lawful noncommercial message that does not direct
25 attention to a business operated for profit, or to a commodity or
26 service for sale.

ix. Public Service Announcements. 15% of ad time every hour shall be made available for public service announcements, and shall not be banked;

f) **Illumination.** No Off-Premise Sign may be erected or maintained which, by use of lights or illumination, creates a distracting or hazardous condition to a motorist, pedestrian or the general public. In addition:

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

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

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

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

5) Digital billboards allowed pursuant to this Act must:

i. Display only static messages that remain constant in illumination intensity and do not have movement or the appearance or optical illusion of movement;

1 ii. Not operate at an intensity level of more than 0.3
2 foot-candles over ambient light as measured at a distance of one
3 hundred and fifty (150) feet;

4 iii. Be equipped with a fully operational light sensor
5 that automatically adjusts the intensity of the billboard according
6 to the amount of ambient light;

7 iv. Change from one message to another message no
8 more frequently than once every ten (10) seconds and the actual
9 change process is accomplished in two (2) seconds or less;

10 v. Be designed to either freeze the display in one static
11 position, display a full black screen, or turn off in the event of a
12 malfunction; and

13 vi. Not be authorized until DPW is provided evidence
14 that best industry practices for eliminating or reducing uplight
15 and light trespass were considered and built into the digital
16 billboard.

17 g) **Prohibited Off-Premise Signs.** The following signs or lights
18 are prohibited which:

19 1) Are of a size, location, movement, coloring, or manner of
20 illumination which may be confused with or construed as a traffic
21 control device or which hide from view any traffic or street sign or
22 signal;

23 2) Contain or consist of banners, posters, pennants, ribbons,
24 streamers, strings of light bulbs, spinners, or other similarly moving
25 devices or signs which may move or swing as a result of wind pressure.
26 These devices when part of any sign are similarly prohibited, unless
27 they are permitted specifically by other legislation;

1 3) Have blinking, flashing or fluttering lights or other
2 illuminating devices which exhibit movement, except digital billboards
3 as permitted pursuant to this Act;

4 4) Would be an Original Art Display but does not have the
5 permission of the owner of the property on which it is located or is
6 graffiti; or

7 5) Are portable signs that do not comply with the location,
8 size or use restrictions of this Act.

9 h) **Compliance.** Any Off-Premise Sign which is altered, relocated,
10 or replaced must be brought immediately into compliance with all provisions
11 of this Act.

12 i) **Maintenance.**

13 1) Standards. The maintenance of Off-Premise Signs shall
14 be the responsibility of the sign owner. The following minimum
15 maintenance standards shall be required:

16 i. No sign shall have more than twenty (20) percent of
17 its surface area covered with disfigured, cracked, ripped or
18 peeling paint or poster paper for a period of more than thirty (30)
19 consecutive days.

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

25 iii. No sign shall be allowed to have weeds, vines,
26 landscaping or other vegetation growing upon it or obscuring its

1 view from the street or highway from which it is to be viewed for
2 a period of more than thirty (30) consecutive days.

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

6 2) Enforcement.

7 i. The Department of Public Works shall be
8 responsible for inspecting all signs for compliance with the
9 maintenance requirements of this Act, and may be assisted by the
10 Guam Visitors Bureau and by Guam Peace Officers as provided
11 by this Act.

12 ii. The Department of Public Works has final authority
13 in determining whether a violation has occurred, and to enforce
14 compliance with this Act.

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

18 **Section 4. Existing Off-Premise Signage.** Any Off-Premise Sign or
19 Digital Billboard which has been granted a variance by the Guam Land Use
20 Commission, or has been issued a Notice of Action from the Guam Land Use
21 Commission, on or before May 15, 2017, shall be deemed a Legal Non-conforming
22 Off-Premise Sign and legally authorized to operate provided that all business license
23 requirements are met and are thereafter maintained in good standing. Signs which
24 were nonconforming to prior Guam law and which do not conform to this Act must
25 be removed immediately.

26 **Section 5. Amortization of Legal Non-conforming Off-Premise**
27 **Signage.** For the purpose of amortization, Legal Non-conforming Off-Premise

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

3 **Section 6.** §61545 of Chapter 61, Title 21, Guam Code Annotated, is hereby
4 *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.”

18 **Section 7. Severability.** If any provision of this law or its application to
19 any person or circumstance is found to be invalid or contrary to law, that invalidity
20 *shall not* affect other provisions or applications of this law, which can be given effect
21 without the invalid provisions or applications and to this end the provisions of this
22 act are severable.