

**21 GCA REAL PROPERTY  
CH. 67 THE BUILDING CODE**

**CHAPTER 67  
THE BUILDING CODE**

**2017 NOTE:** This comprehensive annotation consolidates the information found in the annotations of past publications of the GCA, in order to avoid confusion regarding the legislative history of the Building Code of Guam.

Originally, the Building Code was included in the Building Law, enacted by P.L. 01-088 (1952) as part of the original Government Code of Guam, Title XXXII, Chapters I through LIII. Chapter LIV was added by P.L. 04-082, and Chapter LV was added by P.L. 09-123. The Building Law of Guam was published, in its entirety, in the 1970 Government Code.

Public Law 14-122:1 (Mar. 29, 1978) enacted the 1976 edition of the Uniform Building Code (“UBC”), section 303, Parts II through XII and appendices thereof, which was added to Government Code, Title XXXXII, stating: “The UBC shall be recognized as the standard for the furtherance of the intent of Chapter I of Title XXXII of the Government Code. The Codifier shall number the sections of the UBC appropriately to correlate with provisions of Title XXXII not repealed by this Act.” P.L. 14-122:1.

Pursuant to P.L. 17-076:4 (Dec. 11, 1984), the references in certain Guam law provisions to the 1976 Uniform Building Code were amended, and these statutory references were updated “to read ‘Latest edition of the Uniform Building Code.’” This provision was codified as Government Code § 31072.

During the transition from the Government Code and the establishment of the Guam Code Annotated (GCA), the Compiler codified provisions regarding the Building Code as Chapter 67.

The legislative history related to the most recent update of Guam’s Building Code began in 2009. First, P.L. 30-025:1 (June 16, 2009) “adopt[ed] the 2009 edition of the International Building Code as the Building Code of Guam.” P.L. 30-025 gave an effective date of 181 calendar days following enactment.

Second, P.L. 30-084 (Feb. 8, 2010) amended P.L. 30-025 by extending the effective date of the IBC:

**Section 9. Effective Date.** This Act *shall* be effective on June 30, 2010, after which a transitional period *shall* be instituted wherein either the UBC 94 [1994 edition of the Uniform Building Code] or the IBC 09 [2009 edition of the International Building Code] standards *shall* be applicable, as designated by the applicant, for a period of *no more than* ninety (90) days for projects submitted during the transition period. Following completion of the transitional period, *only* the IBC 09 *shall* be applicable.

P.L. 30-084 also added the following provision to P.L. 30-025:

**Section 11. Adoption of Referenced Codes.** Pursuant to the adoption of the IBC 2009, associated codes referenced in the IBC

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09, and subsequent updates to the IBC 2009, are hereby adopted, subject to review and adoption of the PEALS Board. Specifically, but *not limited to, the codes listed in Section 101.4.1 through 101.4.6* [International Fuel Gas Code, International Mechanical Code, International Plumbing Code, International Property Maintenance Code, International Fire Code, International Energy Conservation Code] *and referenced in [the IBC 09] shall be considered part of the requirements of [the IBC 09] to the prescribed extent of each such reference.*

Third, P.L. 30-159 (July 14, 2010) further amended these two provisions:

**Section 9. Effective Date.** This Act *shall* be effective on October 1, 2010, after which a transitional period *shall* be instituted wherein either the UBC 94 or the IBC 09 standards *shall* be applicable, as designated by the applicant, for a period of *no more than* ninety (90) days for projects submitted during the transition period. Following completion of the transitional period, *only* the IBC 09 *shall* be applicable.

**Section 11. Adoption of Referenced Codes.** Pursuant to the adoption of the IBC 2009, associated codes referenced in the IBC 2009, and subsequent updates to the IBC 2009, are hereby adopted in whole, or in part, as deemed appropriate for Guam, subject to review and determination by the Director of the Department of Public Works (DPW) specifically, but *not* limited to, the codes listed in Sections 101.4.1 through 101.4.4 and Section 101.4.6 [International Fuel Gas Code, International Mechanical Code, International Plumbing Code, International Property Maintenance Code, International Energy Conservation Code] and subject to the review and determination by the Chief of the Guam Fire Department (GFD), of Section 101.4.5 [the International Fire Code (IFC)]. This determination *shall* be made *no later than* sixty (60) days after enactment of this Act, and transmitted to *LIheslatura* for ratification. Additionally, the DPW Director and GFD Chief *shall* publish in a newspaper of general circulation their determination to adopt, in whole or in part, the IBC 2009 and the respective Sections 101.4 through 101.4.6.

These three public laws were eventually repealed by P.L. 30-199 (Sept. 21, 2010). The Legislative Findings and Intent of P.L. 30-199 set forth a detailed explanation regarding the process of adopting the International Building Code, the International Fire Code, and related codes, including a public forum held August 18, 2010, and a series of working group meetings with local experts, regional professional and stakeholder organizations, representatives of the International Code Council, the Guam Fire Department and the Department of Public Works. In addition to adopting the 2009 edition of the IBC and other related codes, P.L. 30-199 also created the Guam Building Code Council.

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Notably, the entirety of the IBC and the UBC have never been published as part of the GCA. The previous Compiler had determined that, due to the size and scope of these uniform codes, it was impractical to incorporate them into the GCA. Therefore, the published GCA only included uniform code provisions relating to Guam. The Compiler had further recognized that the uniform code could be obtained from appropriate commercial sources.

- Article 1. General Standards.
- Article 2. Elevator Installations.
- Article 3. Boiler Installation.
- Article 4. Housing Code.

**ARTICLE 1  
GENERAL STANDARDS**

- § 67101. International Building Code Adopted.
- § 67101.1. International Fuel Gas Code Adopted.
- § 67101.2. International Mechanical Code Adopted.
- § 67101.3. International Plumbing Code Adopted.
- § 67101.4. International Private Sewage Disposal Code Adopted. The
- § 67101.5. International Residential Code Adopted.
- § 67101.6. International Existing Building Code Adopted.
- § 67101.7. Availability of Amended Codes.
- § 67101.8. Guam Building Code Council.
- § 67102. Mechanical Standard. [Repealed].
- § 67103. Electrical Installations
- § 67104. Plumbing Installations. [Repealed].
- § 67105. Concrete/Masonry Standards. [Repealed].

**§ 67101. International Building Code Adopted.**

The *International Building Code* (IBC), 2009 edition, including Appendices C, E, F, G, H, I, J, and K, as published by the International Code Council, is hereby adopted and enacted as the building code for Guam.

The IBC *shall* be recognized as the standard for the furtherance of the intent of Chapter 66, The Building Law, of this Title, which is to secure and promote the safety, health, and general welfare of the people of Guam by providing standards for the location, design, material, construction, alteration, repair, building service equipment, maintenance, use, occupancy, moving, removal, and demolition of buildings, structures and appurtenances thereto in Guam.

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**SOURCE:** Uncodified law added by P.L. 14-112:1 (Mar. 29, 1978), adopting the 1976 edition of the Uniform Building Code, section 303, Parts II through XII and appendices thereto, to be added to Government Code Title XXXII (Building Law). P.L. 17-076:4 (Dec. 11, 1984) updated references to the 1976 Uniform Building Code to the “Latest edition of the Uniform Building Code.” During the transition from the Government Code and the establishment of the Guam Code Annotated, the Compiler codified this provision as § 67101, Chapter 67 of Title 21 GCA. Amended by P.L. 23-88:3 (Apr. 19, 1996). Repealed and reenacted by P.L. 30-025:2 (June 16, 2009), effective 181 calendar days from date of enactment; extended to June 30, 2010, pursuant to P.L. 30-084:2 (Feb. 8, 2010), and to October 1, 2010, pursuant to P.L. 30-159:2 (July 14, 2010). Amended by P.L. 30-199:3 (Sept. 21, 2010).

**2017 NOTE:** P.L. 34-031:3 (July 13, 2017) amended P.L. 33-192:2 regarding the adoption and applicability of certain provisions of the International Building Code. See P.L. 34-031:3 to view the affected provisions.

P.L. 33-192 (Dec. 14, 2016) amended/replaced/updated certain provisions of the 2009 Edition of the International Building Code as adopted by P.L. 30-199 (Sept. 21, 2010) with that of the 2015 Edition of the International Building Code.

**2010 NOTE:** P.L. 30-199:2 (Sept. 21, 2010) repealed P.L. 30-025, P.L. 30-084 and P.L. 30-159, thereby, restoring this section to its original version prior to the enactment of P.L. 30-025.

**§ 67101.1. International Fuel Gas Code Adopted.**

The *International Fuel Gas Code*, 2009 edition, including all Appendices, as published by the International Code Council, is hereby adopted as amended.

**SOURCE:** Added by P.L. 30-199:4 (Sept. 21, 2010).

**§ 67101.2. International Mechanical Code Adopted.**

The *International Mechanical Code*, 2009 edition, including Appendix A, as published by the International Code Council, is hereby adopted as amended.

**SOURCE:** Added by P.L. 30-199:4 (Sept. 21, 2010).

**§ 67101.3. International Plumbing Code Adopted.**

The *International Plumbing Code*, 2009 edition, including Appendices C, E, and F, as published by the International Code Council, is hereby adopted as amended.

**SOURCE:** Added by P.L. 30-199:4 (Sept. 21, 2010).

**2017 NOTE:** Pursuant to P.L. 33-192 (Dec. 14, 2016), § 416.5 of the 2009 Edition of the International Plumbing Code as adopted by P.L. 30-199 (Sept. 21, 2010), was amended.

**§ 67101.4. International Private Sewage Disposal Code Adopted.**

The *International Private Sewage Disposal Code*, 2009 edition, including Appendices A and B, as published by the International Code Council, is hereby adopted as amended.

SOURCE: Added by P.L. 30-199:4 (Sept. 21, 2010).

**§67101.5. International Residential Code Adopted.**

The *International Residential Code*, 2009 edition, including Appendices A, B, C, D, G, I, J, K, M, O, P, and Q, as published by the International Code Council, is hereby adopted as amended.

SOURCE: Added by P.L. 30-199:4 (Sept. 21, 2010).

**§ 67101.6. International Existing Building Code Adopted.**

The *International Existing Building Code*, 2009 edition, including all Appendices, as published by the International Code Council, is hereby adopted as amended.

SOURCE: Added by P.L. 30-199:4 (Sept. 21, 2010).

**§ 67101.7. Availability of Amended Codes.**

Amendments and exemptions made to the *International Fire Code*, as well as amendments and exemptions made to any codes adopted by this Chapter, *shall* be made available to the public, at *no* cost, through the appropriate divisions within the Department of Public Works and the Guam Fire Department. This subsection *does not* obligate these agencies to provide the entire code to the public for free.

SOURCE: Added by P.L. 30-199:12 (Sept. 21, 2010).

**§ 67101.8. Guam Building Code Council.**

(a) Purpose. In order to safeguard life, health, and property, and to promote the public welfare, the Guam Building Code Council *shall* serve a dual role as a Review Board for proposed updates and amendments to the Guam Building Code, and as an Appeals Board for disputes related to orders, decisions or determinations made by government of Guam entities relative to the application and interpretation of the Guam Building Code.

(b) Definitions. As used in this Chapter, *unless* otherwise indicated:

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(1) *Appointed member* means a person who is appointed by *I Maga'lahaen Guåhan* to hold a position on the Council. *Ex-officio members* are not included in the definition of *appointed member*.

(2) *Architect* means a person who is duly registered and licensed by the Guam Board of Registration for Professional Engineers, Architects and Land Surveyors (PEALS) as an Architect.

(3) *Council* means the Guam Building Code Council.

(4) *Ex-officio member* means a person who holds a position on the Council reserved for the Director of the Department of Public Works or the Fire Chief of the Guam Fire Department.

(5) *Guam Building Code* means the codes adopted within Chapter 67, as well as the International Fire Code, and any subsequent amending legislation.

(6) *Licensed General Building Contractor* means a person who holds a current license as a General Building Contractor by the Contractors' License Board, as per Chapter 70 of Title 21, and engages primarily in the construction of buildings and infrastructure.

(7) *Licensed Real Estate Professional* means a real estate sales person, or broker, who is licensed on Guam.

(8) *Model Code* means the codes, as published by their respective nationally recognized organizations, which form the basis of the Guam Building Code.

(9) *Professional Engineer* means a person who has been duly registered and licensed by the Guam Board of Registration for Professional Engineers, Architects and Land Surveyors (PEALS) as a Professional Engineer.

(10) *Registered Professional* means any person holding a current registration as a Professional Structural Engineer, Professional Mechanical Engineer, Professional Electrical Engineer, Professional Fire Protection Engineer, or Registered Architect.

(c) *Membership*. The Council *shall* be comprised of the following members whose duty *shall* be to administer the provisions of this Chapter.

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(1) Composition. The Council *shall* consist of seven (7) appointed members and two (2) ex-officio members, for a total of nine (9) members. These nine (9) members *shall* consist of the following:

(A) one (1) Architect;

(B) one (1) Licensed General Building Contractor;

(C) one (1) Licensed Real Estate Professional;

(D) two (2) members of the general public who are *not* Registered Professionals, Licensed General Building Contractors, or Licensed Realtors, at least one (1) of whom *shall* be familiar with barrier free architecture and aware of, and sensitive to, the requirements necessary to ensure public buildings are accessible to, and usable by, persons with disabilities;

(E) one (1) Professional Engineer, licensed on Guam, specializing in structural engineering;

(F) one (1) Professional Engineer, licensed on Guam, specializing in either mechanical, electrical, or fire protection engineering;

(G) the Director of the Department of Public Works, to serve in an ex-officio capacity;

(i) the Director of the Department of Public Works may designate one (1) of the Department's Chief Engineers, Chief Building Inspector, or Building Permit Administrators to serve on the Council in place of him or herself; and

(H) the Chief of the Guam Fire Department, to serve in an ex-officio capacity;

(i) the Chief of the Guam Fire Department may designate a Senior Fire Prevention Officer to serve on the Council in place of him or herself.

(2) Appointment, Confirmation, and Term Length. *Except* for the representatives of the Department of Public Works and the Guam Fire Department, each member of the Council *shall* be appointed by *I Maga'lahaen Guåhan* and confirmed by *I Liheslaturan Guåhan* for a term of five (5) years, save for the length of terms associated with the initial creation of the Council as outlined in §67101.8(c)(2)(A).

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(A) Initial Term Lengths. For initial appointments to the Council, membership term lengths *shall* be as such: of the two (2) appointed members representing the public, one (1) *shall* serve a term of one (1) year, and the other *shall* serve a term of three (3) years; the appointed Licensed General Building Contractor *shall* serve a term of three (3) years; the appointed Real Estate Professional *shall* serve a term of three (3) years; and of the three (3) appointed Registered Professionals, one (1) *shall* serve a term of one (1) year, and the remaining two (2) *shall* serve terms of five (5) years. Thereafter, all terms for appointed members *shall* be five (5) years in length. When appointing initial members to the Council, *I Maga'lahaen Guåhan shall* specify the length of term for each individual appointment, with such term lengths being in accordance with the manner stipulated in this Subsection.

(B) Appointee Categories. Registered Professionals and Licensed General Building Contractors *shall* be appointed from a list as submitted by the local chapter of the American Institute of Architects (for Architects), the Guam Society of Professional Engineers (for Professional Engineers), or the Guam Contractors Association (for Licensed General Building Contractors). The Council position for a Real Estate Professional *shall* be appointed from a list as submitted by the local chapter of the Guam Association of Realtors. Such submitted lists *shall* consist of at least two (2) names for the respective vacancy on the Council. *I Maga'lahaen Guåhan may*, for any reason, request the submittal of a new list of names.

(i) Failure to Provide List. Failure of the professional organization to provide a list of names within thirty (30) days of that associated member's vacancy, or within thirty (30) days following receipt of written request from *I Maga'lahaen Guåhan* for the submittal of a new list of names, the requirement to select from a submitted list *shall* be waived and *I Maga'lahaen Guåhan may* nominate an individual who meets all other respective requirements set forth in this Section.

(ii) Membership to Recommending Organization *Not* Required. Individuals named on the list of potential



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nominees, as per this Subsection, need *not* be members of the respective recommending organization.

(d) Eligibility Requirements for Members. Each appointed member of the Council *shall* be a resident of Guam for the most recent two (2) years, or a resident of Guam for a cumulative total of five (5) years over the most recent ten (10) years. Council members who are Registered Professionals *shall* have been in responsible control in the lawful practice of engineering or architecture for *at least* ten (10) years, and with *no* record of disciplinary action from any jurisdiction. Council members who are Licensed General Building Contractors *shall* have been licensed for *at least* five (5) years, with *no* record of disciplinary action from any jurisdiction. Council members who are Licensed Real Estate Professionals *shall* have been licensed for *at least* five (5) years, with *no* record of disciplinary action from any jurisdiction. Additionally, each licensed members' practice *shall* be principally located in Guam.

(e) Status of License. Members of the Council required to be licensed in their respective fields, as per this Section, must maintain good standing of their licenses with their respective licensing entity. Should a member fail to maintain good standing, the member will *not* be permitted to participate on the Council until such license is restored to good standing. A member *shall* be deemed disqualified to retain a seat on the Council in the event that the subject license is *not* restored to good standing within ninety (90) days, and *shall* be removed from the Council, thus creating a vacancy to be filled in accordance with §67101.8(i).

(f) Removal of Members. *I Maga'lahaen Guåhan* may remove any sitting member on the Council for due cause, such as malfeasance in office, incapacity, or neglect of duty. The vacancy created by said removal *shall* then be filled in accordance with § 67101.8(i).

(g) No Courtesy Resignations. When there is a change of administration of the government of Guam after a gubernatorial election, no courtesy resignation *shall* be requested by the new administration nor offered by any appointed member of the Council.

(h) Reappointments. On the expiration of the term of the appointed member, *I Maga'lahaen Guåhan shall* appoint a successor as provided in this Chapter. An appointed member may be reappointed to the Council for *not* more than two (2) consecutive five (5) year terms. Each such member may

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hold office until the expiration of the term for which appointed or until a successor has been duly appointed and qualified.

(i) Vacancies. Vacancies in the membership of the Council *shall* be filled by appointment by *I Maga'lahaen Guåhan* in the same manner as initial appointments, as provided in §67101.8(c) of this Chapter. The composition of the Council, i.e. membership categories, *shall* be maintained. Persons filling a vacancy must undergo the Legislative confirmation process, and shall serve for the unexpired portion of the term.

(1) Failure to Appoint. If *I Maga'lahaen Guåhan* does *not* make an appointment within ninety (90) days after a Council vacancy occurs, the Council may appoint, by majority vote, a provisional member to serve in the interim until *I Maga'lahaen Guåhan* makes an appointment and the nominee is confirmed by *I Liheslaturan Guåhan*. Such provisional member *shall* have all the powers and responsibilities of the position to which they are appointed by the Council, and *shall not* require confirmation by *I Liheslaturan Guåhan*.

(j) Ex-Officio Members. The Director of the Department of Public Works and the Fire Chief of the Guam Fire Department, or their respective designees, *shall* be members of the Council by virtue of their position. Additionally, such ex-officio members *shall* have all the same powers and duties as appointed members to the Council, including voting powers as described in this Chapter. *Ex-officio* members do *not* require confirmation by *I Liheslatura* to serve on the Council.

(k) Oath. Each confirmed member of the Council, inclusive of ex-officio members, *shall* be sworn into the Council and take an oath for the faithful discharge of the duties of the position.

(l) Annual Budget Request. The Guam Building Code Council *shall* transmit its annual operating budget requirements to the Guam Contractors License Board for inclusion in the latter's annual budget request. The Council's budget *shall* be primarily funded by the Contractors License Board Fund, Title 21, Chapter 70, § 70119.

(m) Compensation. Council members may be compensated Fifty Dollars (\$50.00) per official Council meeting, *not* to exceed One Hundred Dollars (\$100.00) in any month, provided funds are available.

(n) Initial Logistical Support. The Guam Contractors License Board *shall* provide the Council logistical support, to include telecommunications,

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copiers, and administrative workspace. This Subsection *shall* be in effect until the Council has sufficiently established its administrative support base.

(o) Independence of Council and Board. Although the Guam Building Code Council and the Contractors' License Board are funded from the same revenue source, the Council and the Board *shall* preserve their respective independence from one another.

(p) Organization and Meetings. The Council *shall* meet a minimum of once every three (3) months. A quorum for the Council to meet *shall* consist of five (5) members, one (1) of whom *shall* be an appointed Registered Professional under the provisions of this Chapter. Decisions *shall* carry with a majority vote of members present; however, decisions made in the Appeals Process *shall* carry in accordance with the voting requirements outlined in the Council's Rules and Regulation.

(1) Election of Leadership. The Chairperson, Vice-Chairperson, and Secretary *shall* be elected annually by majority vote of the Council members at the first regular meeting of the Council after January 1.

(2) Duties of Chairperson. The Chairperson *shall* call meetings of the Council, arrange meetings with interested members of the public who may seek assistance from the Council, assign duties to Council members, and provide leadership to the Council. In the absence, or at the request of, the Chairperson, any or all of these duties *shall* be performed by the Vice-Chairperson.

(3) Duties of Secretary. The Secretary *shall* keep charge of permanent records and proceedings of every meeting of the Council, and *shall* ensure that minutes of meetings are made available for review at subsequent meetings. The Secretary *shall* serve as correspondent of the Council and as Treasurer of any funds in the custody of the Council.

(q) Powers. The Council *shall* have the power to:

(1) review, as deemed appropriate, proposed revisions, deletions, additions, or other modifications to the Guam Building Code, and forward its recommendations for such modifications to *Liheslatura* for adoption;

(2) serve as a Board of Appeals for disputes related to orders, decisions or determinations made by the Building Official, Code Official or Fire Code Official relative to the application and interpretations of the Guam Building Code;

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(3) formulate, adopt and amend all Rules and Regulations governing the conduct of the Council's affairs, inclusive of the powers set forth in (1) and (2) of this Subsection (q) (Powers). The adoption and amendment of such Rules and Regulations *shall* be in accordance with the provisions of the Administrative Adjudication Law; and

(4) contract for the services of legal counsel when deemed necessary. The Guam Attorney General may also provide legal counsel to the Council to provide members with general legal advice concerning matters before them for consideration. The Council *shall* retain and exercise all administrative and civil rights and remedies commonly available to agencies in the jurisdiction. *No* action or other legal proceedings for damages *shall* be instituted against the Council, or against any Council member or employee or agent of the Council, for any act done in good faith and in the intended performance of any power granted under this Chapter, or for any neglect or default in the performance or exercise in good faith of any such duty or power.

(r) Development of Rules and Regulations. The Council *shall* develop its Rules and Regulations to guide it in fulfilling its purpose as stated in §67101.8(a).

**SOURCE:** Added by P.L. 30-199:17 (Sept. 21, 2010). Repealed and reenacted by P.L. 31-017:2 (Apr. 18, 2011).

**§ 67102. Mechanical Standard. [Repealed].**

**SOURCE:** GC § 35800. Repealed by P.L. 14-122. Enacted again in this form by P.L. 17-76:3. The only change from the former section was to refer to the "latest" edition of the UMC. Repealed by P.L. 30-025:3 (June 16, 2009), effective, one hundred eighty-one (181) calendar days from date of enactment. This effective date was extended to June 30, 2010, pursuant to P.L. 30-084:2 (Feb. 8, 2010).

**2010 NOTE:** P.L. 30-199:2 (Sept. 21, 2010) repealed P.L. 30-025, thereby, restoring this section to its original version prior to the enactment of P.L. 30-025. Repealed pursuant to P.L. 30-199:5 (Sept. 21, 2010).

**§ 67103. Electrical Installations.**

The current edition of the National Electrical Code of the National Fire Protection Association, 60 Battermarch Street, Boston, Massachusetts, shall be accepted as the generally recognized standard for the design and construction of electrical installations.

**SOURCE:** GC § 36100; amended by P.L. 11-177 (10/10/72).

**§ 67104. Plumbing Installations. [Repealed].**

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**SOURCE:** GC § 36200; amended by P.L. 11-177 (10/10/72). Repealed by P.L. 30-025:3 (June 16, 2009), effective, one hundred eighty-one (181) calendar days from date of enactment. This effective date was extended to June 30, 2010, pursuant to P.L. 30-084:2 (Feb. 8, 2010).

**2010 NOTE:** P.L. 30-199:2 (Sept. 21, 2010) repealed P.L. 30-025, thereby, restoring this section to its original version prior to the enactment of P.L. 30-025. Repealed pursuant to P.L. 30-199:5 (Sept. 21, 2010).

**§ 67105. Concrete/Masonry Standards. [Repealed].**

**SOURCE:** Added by P.L. 23-128:IV:28 (a). Repealed and reenacted by P.L. 24-59:IV:3 Repealed by P.L. 30-025:3 (June 16, 2009), effective, one hundred eighty-one (181) calendar days from date of enactment. This effective date was extended to June 30, 2010, pursuant to P.L. 30-084:2 (Feb. 8, 2010).

**2010 NOTE:** P.L. 30-199:2 (Sept. 21, 2010) repealed P.L. 30-025, thereby, restoring this section to its original version prior to the enactment of P.L. 30-025. Repealed pursuant to P.L. 30-199:5 (Sept. 21, 2010).

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**ARTICLE 2  
ELEVATOR INSTALLATION**

- § 67201. Definitions
- § 67202. Reasonable Safety Required.
- § 67203. Out of service.
- § 67204. Exemptions.
- § 67205. Installation Permit.
- § 67206. Notice of Location.
- § 67207. Variance.
- § 67208. Elevator Inspector.
- § 67209. Revocation, Cancellation or Denial of Commission, Permits, Certificates; Appeal.
- § 67210. Required Inspections.
- § 67211. Permit to Operate.
- § 67212. Safe Operation.
- § 67213. Inspection Fees.
- § 67214. Temporary Use of Permanent Elevators.
- § 67215. Disposition of Fees.
- § 67216. Safety Notices & Orders.
- § 67217. Penalties.
- § 67218. Severability.

§ 67219. Disaster Precautions.

**§ 67201. Definitions.**

For the purposes of this Article the following terms shall have the meanings indicated herein:

(a) All definitions contained in the American standard Safety Code for Elevators, Dumbwaiters, Escalators, Moving Walks and Manlifts shall be applicable to this Article.

(b) *Director* means the Director of the Department of Public Works.

(c) *Department* means the Department of Public Works.

(d) *Inspector* means any person, as defined in the American Society of Mechanical Engineers (ASME) as a Qualified Elevator Inspector (QEI), who is commissioned by the Director as prescribed in § 67207.

(e) *ASME A17.1* is the Safety Code for Elevators and Escalators, an American National Standard;

(f) *ASME A17.3* is the Safety Code for Existing Elevators and Escalators, an American National Standard;

(g) *ASME A18.1* is the Safety Code for Platform Lifts and Stairway Chairlifts, an American National Standard.

**SOURCE:** GC § 36000 added by P.L. 12-216. This entire Article was added by P.L. 12-216 unless otherwise indicated. Subsection (d) amended and subsections (e), (f) and (g) added by P.L. 27-147:2 (Dec. 30, 2004)

**NOTE:** Pursuant to P.L. 27-147:9, amendments therein became effective on January 1, 2006.

**§ 67202. Reasonable Safety Required.**

(a) All new and existing installations of elevators, dumbwaiters, escalators, moving walks and manlifts shall be reasonably safe to persons and property and in conformity with the American National Standards set forth in ASME A17.1, ASME A17.3 and ASME A18.1.

(b) Conformity of all new and existing installations of elevators, dumbwaiters, escalators, moving walks and manlifts with applicable regulations set forth by the American Standard Safety Code, in force at the

time of their installation. and the provisions of this Chapter, shall be prima facie evidence that such installations are reasonably safe to persons and property.

**SOURCE:** GC § 36001. Subsection (a) amended by P.L. 27-147:3 (Dec. 30, 2004).

**NOTE:** Pursuant to P.L. 27-147:9, amendments therein became effective on January 1, 2006.

**§ 67203. Out of service.**

When it is intended to discontinue the service of an elevator or other hoisting device covered by this Article, the Department shall be so notified by the owner or user. The hoistway doors or entrance shall be permanently boarded up or barricaded. The cables shall be removed and the car and counterweights landed at the bottom of the hoistway. On elevators or devices not suspended by cables. the power must be satisfactorily disconnected. Plunger elevators shall have the liquid line to the plunger disconnected. Prior to placing the hoisting device back into service the Department shall be notified and an inspection made.

**SOURCE:** GC § 36002.

**§ 67204. Exemptions.**

The following elevators, dumbwaiters, escalators, moving walks or manlifts are exempt from the requirements of this Article:

- (a) Those under the jurisdiction of the United states Government.
- (b) Those serving only a private residence and not accessible by the general public.

**SOURCE:** GC § 36003.

**§ 67205. Installation Permit.**

(a) No person shall install, construct, reconstruct, relocate or make major alteration to any elevator, dumbwaiter, escalator, moving walk or manlift without first obtaining an installation permit from the Department.

(b) Installation permit as required under subsection (a) above shall be issued only to a person who is licensed to engage in the business of maintaining elevators, dumbwaiters and escalators in accordance with the rules and regulations of the Contractors' License Board of the Department of Regulatory Agencies, State of Hawaii until such time as the Department of

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Public Works shall issue such rules and regulations for the Government of Guam.

(c) The plans and specifications for such elevator, dumbwaiter, escalator, moving walk or ramp or manlift, together with such building details as are pertinent to the installation shall be submitted to the Department before any work is begun on the installation. Final shop drawings shall be submitted to the Department.

(d) The Department shall, before issuance of permit for installing, constructing, reconstructing or relocating as required under Subsection (a) of this Section, charge and collect a fee for each permit as follows, or as determined by the Director through the Administrative Adjudication process::

Dumbwaiter .....	\$ 10.00
Manlift .....	\$ 15.00
Escalator, electric stairway or moving sidewalk or ramp .....	\$ 25.00
Elevator	
5 floor rise & under .....	\$ 25.00
6 floors .....	\$ 30.00
7 floors .....	\$ 35.00
8 floors .....	\$ 40.00
9 floors .....	\$ 45.00
10 floors .....	\$ 50.00
11 floors .....	\$ 55.00
12 floors .....	\$ 60.00
13 floors .....	\$ 65.00
14 floors .....	\$ 70.00
15 floors .....	\$ 75.00
16 floors .....	\$ 80.00
17 floors .....	\$ 85.00
18 floors .....	\$ 90.00
19 floors .....	\$ 95.00
20 floors .....	\$100.00
Above 20	\$5.00 for each additional floor.

(e) The Department shall, before issuance of an installation permit for a major alteration as required under subsection (a) of this section, charge and collect a fee of \$25.00 for each permit.



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(f) The installation permit fee shall be used to provide, among other things, the following services:

(1) The data inspection and witnessing the acceptance tests on the installation.

(2) The processing and issuance of the temporary permit to operate the installation.

(g) Fees in accordance with the foregoing schedule shall be charged and collected on all permits issued after the effective date of this rule; provided that, if a successful bid for the installation [of] an elevator, dumbwaiter, escalator, moving walk or ramp or manlift has been tendered prior to the effective date of this rule, no fee shall be charged for the permit.

**SOURCE:** GC § 36004. The first paragraph of subsection (d) was amended by P.L. 21-147:4 (Dec. 30, 2004).

**NOTE:** Pursuant to P.L. 27-147:9, amendments therein became effective on January 1, 2006.

**§ 67206. Notice of Location.**

(a) The owner or lessee of any sidewalk elevator or manlift operating in the territory shall report to the Department in writing the location thereof within 90 days of the effective date of this Article.

(b) The owner or lessee of any elevator, dumbwaiter, escalator, moving walk or manlift who sells, lends, gives or removes said device shall report the transaction and the name and address of the new owner or use[r] within 10 days of such transaction to the Department.

**SOURCE:** GC § 36005.

**§ 67207. Variance.**

(a) When the Department finds that a variation from the terms set forth in this Article will not impair the safety of employees, which would otherwise be secured by compliance with the terms of said Article, the Department, upon written application, after investigation and such hearings as the Department may direct, may issue an order permitting such variation upon such conditions as it may specify and upon the provision and use of such safety measures and appliances as shall, in the judgment of the Department, secure the safety of employees.

(b) Non-compliance with the conditions specified in the variance shall automatically suspend such variance for as long as the non-compliance exists.

(c) Upon receipt of a complaint and satisfactory proof that a variation imperils the safety of employees, which could otherwise be secured by compliance with this Article, the Department may suspend, revoke or modify the variance and/or the conditions specified.

(d) No declaration, act or omission of the Department other than a written notice authorizing a variation, shall be deemed to exempt, either wholly or in part, expressed or implied, any owner from full compliance with the terms of this Article.

SOURCE: GC § 36006.

**§ 67208. Elevator Inspector.**

(a) Any person making inspections of elevators as required by this Article shall first secure from the Department, a commission to make such inspections.

(b) Applicants for commissions as elevator inspectors shall be mentally and physically sound; citizens of the United States; able to read, write and understand the English language; of good moral character; and meet the standards set forth in the ASME QEI.

(c) All commissions to inspect, unless suspended, revoked or cancelled, shall expire on December 31, of the year of issuance. The commission may be renewed within thirty (30) days after expiration, without examination, upon application to the Department and upon payment of a renewal fee of Two Dollars (\$2.00), or as determined by the Director through the Administrative Adjudication process.

(d) Commissions to inspect shall be carried at all times by inspectors while engaged in the performance of inspectional duties. Commissions are non-transferrable.

SOURCE: GC § 36007. Amended by P.L. 27-147:5 (Dec. 30, 2004).

NOTE: Pursuant to P.L. 27-147:9, amendments therein became effective on January 1, 2006.

**§ 67209. Revocation, Cancellation or Denial of Commission, Permits, Certificates; Appeal.**

(a) Any commission, permit or certificate may be revoked, cancelled or denied for cause at any time by the Director after affording a; interested parties reasonable opportunity for a fair hearing. *Cause* shall mean violation of any provision of this Article or a finding by the Director that the holder of the commission, permit or certificate is no longer qualified.

(b) Any person aggrieved by the Director's action in denying, granting, revoking or cancelling a commission, permit or certificate may, within 20 days after such action, appeal in writing to the Territorial Land Use Commission under § 66508 of this Title.

SOURCE: GC § 36008.

**§ 67210. Required Inspections.**

Safety inspections of elevators, dumbwaiters, escalators, moving walks and manlifts, as required under this Article, may be made by authorized employees of the Department; individuals providing inspection services for a fee; or by employees of insurance companies upon the following conditions:

(a) Required safety inspections shall be made only by commissioned inspectors.

(b) Acceptance inspections of new installations and major alterations shall be made only by commissioned inspectors in the employ of the Department who shall witness all required tests made by [the] person or firm installing the elevator, dumbwaiter, escalator, moving walk or manlift.

(c) Reports of all required safety inspections shall conform to the requirements of, and shall be made on forms approved by, the Department.

(d) A copy of all reports shall be forwarded to the Department within 30 days after the safety inspection is made, unless an extension of time is granted by the Department. Where notations of discrepancies, recommendations, or requirements are made, such notations shall refer to the applicable rule of the current American Standard Safety Code for elevators, Dumbwaiters, Escalators, Moving Walks, Manlifts or of this Article.

(e) Insurance companies shall promptly report to the Department the name of the owner or lessee and the location of every elevator, dumbwaiter, escalator, moving walk or manlift on which insurance has

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been issued, cancelled or discontinued, giving the reason for cancellation or discontinuance.

(f) Commissioned inspectors shall promptly report to the Department the name of the owner or lessee and the location of every elevator, dumbwaiter, escalator, moving walk or manlift for which they have refused to recommend issuance of a permit to operate, giving the reason for such refusal.

(g) The owner or lessee of any elevator, dumbwaiter, escalator, moving walk or manlift operated within the territory, except those exempted by § 67204, shall cause the same to be inspected as follows:

(1) Elevators, escalators, manlifts and moving walks twice in each 12 month period. The period between the first inspection, or the inspection used as the basis for the issuance of a permit to operate, and the second or interim inspection each year shall not exceed seven months nor be less than five months.

(2) Dumbwaiters, annually.

**§ 67211. Permit to Operate.**

(a) No elevator, dumbwaiter, escalator, moving walk or manlift shall be operated in any place of employment in this territory unless a permit for the operation thereof is issued by the Department, and unless such permit remains in effect.

(b) A permit to operate an elevator, dumbwaiter, escalator, moving walk or manlift shall be issued to the owner or lessee only after a commissioned inspector has found that such device has met all requirements of this Article.

(c) A permit to operate shall be valid for six (6) months unless sooner revoked and may be renewed only upon completion of an inspection by a commissioned inspector.

(d) The permit to operate shall indicate the type of equipment for which it is issued and, in the case of elevators, shall state whether passenger or freight, and shall also state the rated load and speed for such elevator, dumbwaiter, escalator, moving walk or manlift. The permit to operate shall be posted conspicuously in the elevator and on or near the dumbwaiter, escalator, moving walk or manlift.

(e) There shall be *no* charge for the processing and issuance of subsequent elevator operating permits issued as a result of a periodic

inspection. However, the Department shall reserve the right to make a nominal charge *not to exceed* Two Dollars (\$2.00), or as determined by the Director through the Administrative Adjudication process, for the processing and issuance of duplicate permits.

**SOURCE:** GC § 36010. Subsections (c) and (e) amended by P.L. 21-147:6 (Dec. 30, 2004).

**NOTE:** Pursuant to P.L. 27-147:9, amendments therein became effective on January 1, 2006.

**§ 67212. Safe Operation.**

(a) All elevators coming within the following descriptions shall be operated only by designated operators who have received instruction in the proper operation thereof:

(1) All elevators intended for public use and having operating devices of the car switch, constant pressure push button, shipper rope, lever or wheel type; or dual operation elevators while “on manual operation”; and

(2) All car switch or constant pressure push button operated elevators having a rated speed in excess of one hundred fifty (150) minutes.

(b) No persons shall be allowed to operate an elevator unless they are free from mental or physical defects which would hamper their safe operation of the car and unless they have received instruction in the proper and safe operation thereof.

(c) Elevators shall be operated in a safe manner at all times.

(d) Elevator operators shall report to their employers whatever unsafe actions or conditions or defects in mechanism that may come under their notice. The operator shall not leave the elevator car unattended without having first secured the car against unauthorized use.

**SOURCE:** GC § 36011.

**§ 67213. Inspection Fees.**

(a) The owner or lessee of an elevator required by this Article to be inspected shall, if the inspection is performed by an inspector other than those employed by insurance companies, pay the inspection fee directly to the inspector or his employer, upon demand.

(b) No charge shall be made for inspections made other than those required by this Article except that where safety orders have not been complied with and subsequent inspections are necessary an addition fee may be charged for not more than one subsequent inspection annually.

SOURCE: GC § 36012.

**§ 67214. Temporary Use of Permanent Elevators.**

An elevator installed for permanent use may be used before completion, during construction of the building, for carrying workmen and materials, if:

(a) Such elevator and its hoistway are provided with the following minimum equipment:

- (1) An approved type governor and car safety;
- (2) A car with solid top and sides, except at car openings;
- (3) A suitable hoistway enclosure of plywood or other materials extending from the floor to the ceiling;
- (4) Approved type doors or gates which fill the entire hoistway opening, equipped with interlocks and contact locks;
- (5) A competent operator who shall be in charge of such elevator, with controls arranged so the operator will have control of the elevator at all times; and
- (6) A car door or gate equipped with an electric contact.

(b) The elevator has satisfactorily met the following tests:

- (1) A running test with rated load with stops at various landings and at authorized speed;
- (2) A test of the normal and final terminal stopping devices; and
- (3) A test of the car safety device and speed governor.

(c) Upon payment of Twenty-Five Dollars (\$25.00), or as determined by the Director through the Administrative Adjudication process, for inspection fee; and

(d) Upon inspection and approval by the Department.

SOURCE: GC § 36013. Subsection (c) amended by P.L. 21-147:7 (Dec. 30, 2004).

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**NOTE:** Pursuant to P.L. 27-147:9, amendments therein became effective on January 1, 2006.

**§ 67215. Disposition of Fees.**

All fees received by the Department under this Article shall be deposited with the Director of Administration to the credit of the General Fund of the Government of Guam.

**SOURCE:** GC § 36014. *Director of Finance* changed to *Director of Administration* to conform to current law.

**§ 67216. Safety Notices & Orders.**

The Director may issue notices or orders to enforce the provisions of this Article.

**SOURCE:** GC § 36015.

**§ 67217. Penalties.**

Any owner or lessee who violates or fails to comply with any notice or order made under or by virtue of this Article, or who defaces, destroys or removes, without the authority of the Department, any notice or order issued under this Article, shall be fined in an amount not to exceed One Thousand Five Hundred Dollars (\$1,500.00), or be imprisoned for a period not exceeding thirty (30) days, or both.

**SOURCE:** GC § 36016. Amended by P.L. 13-187:199 and P.L. 27-147:8 (Dec. 30, 2004).

**§ 67218. Severability.**

If any section, subsection, paragraph, sentence, clause or phrase of this Article is held unconstitutional or invalid, such decision shall not affect the remaining portions of this Article.

**SOURCE:** GC § 35017.

**§ 67219. Disaster Precautions.**

Because of the frequent power outages and earthquakes on island:

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

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

**SOURCE:** Added as § 5105 of the UBC by P.L. 14-112:10.

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**ARTICLE 3  
BOILER INSTALLATION**

- § 67301. Definition.
- § 67302. Standard.
- § 67302. Inspection.
- § 67303. Safety Orders.
- § 67304. Exemptions.

**§ 67301. Definition.**

As used in this Article, *boiler* means any fired or unfired pressure vessel, subject to this Article, used to generate steam pressure by the application of heat.

**SOURCE:** GC § 36300 added by P.L. 4-82 (eff. 1/1/59). This entire Article was added by the same public law unless otherwise indicated.

**§ 67302. Standard.**

The American society of Mechanical Engineers' Boiler and Pressure Vessel Code shall be accepted as the generally recognized standard for the design, construction, installation, inspection, operation and repair of boilers in Guam.

**SOURCE:** GC § 36301.

**§ 67302. Inspection.**

The Director of Public works, pursuant to the provisions of § 66116 and § 66117 of this Title, shall formulate and promulgate rules and regulations to provide for the inspection of boilers in Guam not specifically exempted from the provisions of this Article.

**SOURCE:** GC § 36302.

**§ 67303. Safety Orders.**



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The Director, in furtherance of the intent of this Chapter and Chapter 66 of this Title, shall have the authority to prescribe and enforce safety orders which shall establish minimum standards for the design, construction, installation, inspection, operation and repair of all boilers in Guam not specifically exempted from the provisions of this Article.

**SOURCE:** GC § 36303.

**§ 67304. Exemptions.**

The provisions of this Article do not apply to the following:

(a) Boilers under the jurisdiction or inspection of the United States Government.

(b) Boilers used exclusively in household service.

(c) Automobile boilers and boilers used exclusively to operate highway vehicles.

(d) Boilers on which the pressure does not exceed 15 pounds per square inch.

**SOURCE:** GC § 36304.

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**ARTICLE 4  
[HOUSING CODE]**

**2017 NOTE:** The entire article was repealed by P.L. 30-199:6 (Sept. 21, 2010). Past publications of the GCA included the following annotations:

**SOURCE:** This Article was originally enacted as Chapter LV of the Government Code, §§ 36400-36421 by P.L. 9-123. All references to sources in this Article will be to that public law except as it has been amended. Repealed in its entirety by P.L. 30-025:4 (June 16, 2009), effective Dec. 14, 2009. This effective date was extended to June 30, 2010 pursuant to P.L. 30-084:2 (Feb. 8, 2010).

**2010 NOTE:** P.L. 30-199:2 (Sept. 21, 2010) repealed P.L. 30-025, thereby, restoring this article to its original version prior to the enactment of P.L. 30-025. Repealed pursuant to P.L. 30-199:6 (Sept. 21, 2010).