

**CHAPTER 2**  
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**NOTE:** Rule-making authority cited for formulation of regulations by the Director of Parks and Recreation, 21 GCA Chapter 77 §77104.

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**§2101. Authority.** Upon a determination that it is essential to maintain the natural beauty and preserve the historical and cultural importance of the Territorial Park System, as well as provide for recreational activities, and consistent with the intent of the Legislature, the Director of the Department of Parks and Recreation promulgates these regulations under authority of §77104 5 GCA.

**§2102. Scope.** These regulations are applicable to all soliciting, advertising, rentals, and sales in parks. These rules will not apply to those areas of the Paseo de Susana which are under the jurisdiction of the Department of Commerce.

**§2103. Definition.** (a) *Commission* means the Parks and Recreation Commission.

(b) *Department* means the Department of Parks and Recreation.

(c) *Director* means the Director of Parks and Recreation.

(d) *Parks* means those areas in the Guam Territorial Park System as classified below:

- (1) Territorial Parks:
  - (a) Adelup Park
  - (b) Afleje Memorial Park
  - (c) Chinese Park
  - (d) East Agana Beach
  - (e) Guam Territorial Seashore Park
    1. Cocos Island
    2. Fort Soledad
    3. Merizo Pier Park
  - (f) Ipan Beach
  - (g) Kaiser Green Spaces
  - (h) Libungon Vista
  - (i) Mana Beach
  - (j) Matapang Beach
  - (k) Nimitz Beach
  - (l) Old Agat Family Beach
  - (m) Paseo de Susana (Statue of Liberty)
  - (n) Perez Beach
  - (o) Puntan dos Amantes
  - (p) West Agana Beach
  - (q) Saluglula Pool
  - (r) Skinner Plaza
  - (s) Tagachang Park
  - (t) Talofoto Beach
  - (u) Tanguisson Beach
  - (v) Tepungan Beach
  - (w) Umatac Bay Park
  - (x) Ypao Beach
- (2) Territorial Recreation Facilities:
  - (a) Astumbo Gardens Park
  - (b) Col. Stanley Bohnic Recreation Area
  - (c) Fern Terrace Park
  - (d) GHURA 501 Park

- (e) GHURA 505 Park
- (f) GHURA 506 Park
- (g) Liguán Terrace Recreation Area 1
- (h) Liguán Terrace Recreation Area 2
- (i) Liguán Terrace Recreation Area 3
- (j) Man Apu Park
- (k) Parcel 2, Dededo
- (l) Ralph Balajadia Park
- (m) Wettengel Park
- (n) Ypaopao Park I
- (o) Ypaopao Park II

(3) Historical and Pre-Historical Objects and Sites:

- (a) Asan Memorial Beach
- (b) Fort Santa Agueda
- (c) Inarajan Bay
- (d) Latte Park
- (e) Plaza de Espana
- (f) Old Agat Family Beach

(e) *Recreation Related* means reasonably related to or associated with recreation activities in parks.

(f) *Structure* includes, but is not limited to, booths, tarps, awnings, tents, tables, stands, and carts.

(g) *Vendor* means a natural person or his/her duly authorized representative who enters a park for the purpose of selling, renting, advertising, or soliciting with respect to goods or services.

**§2104. Parks of Unallowable Solicitation.** It shall be unlawful for any person to attempt to sell, lease, or otherwise transfer for gain any merchandise or service whatsoever within the areas specified in Section 1.d, except upon permission therefore first obtained from the director.

**§2105. Parks of Allowable Solicitation.** That the maximum number of vendors per park area is two, except for the following park areas:

- (a) Puntan dos Amantes - 5
- (b) Latte Park - 3
- (c) Plaza de Espana - 3
- (d) Paseo de Susana (Statue of Liberty) - 5
- (e) Fort Santa Agueda - 3

**§2106. Permits.** All park vendors with authorized permits shall be allowed to continue to operate in the park

area already designated in their permit. Only one vendor permit shall be issued per business license. The vendor receiving a permit shall only be allowed one vendor permit per year. Permits are non-transferable, whether by sale, exchange, sub-lease assignments, gift, or any other means.

**§2107. Authorized Vendor Permit.** Any person found operating in the park area without an authorized vendor permit shall be charged with 9 GCA Chapter 37.30 Criminal Trespass.

**§2108. Amplification Devices.** No vendor shall use sound amplification devices for the purpose of soliciting, advertising, or selling in any park without prior written authorization from the Director or his authorized representative.

**§2109. Permits: Generally.** Application for park vendor permits must be filed with the Director, in a form prescribed by the Director or his authorized representative.

**§2110. Permit: Application.** All applications for park vendor permits shall be accompanied by the following:

(a) The appropriate business license as provided by 11 GCA §70101.

(b) The appropriate health certificates, if applying for a permit to sell food or beverages, as provided in 10 GCA Chapter 22.

(c) A yearly user's fee for July 1 to June 30 shall be payable to the Department of Parks and Recreation prior to issuance of a park vendor permit. The entire fee shall be payable on or before June 30 of the previous year. No portion of the fee shall be refundable. Failure to renew a permit and pay the entire fee by August 31, shall void a renewal of applicant's permit from the prior obligation of Section 4.

(d) The annual fee shall be according to the following schedule:

	Years	Amount
1.	From July 1, 1988 to June 30, 1990	\$600.00
2.	From July 1, 1990 to June 30, 1992	750.00
3.	Beginning July, 1992	900.00

**§2111. Same: Display.** Each vendor, while in the park, must display at all times a vendor identification bearing his or her name issued by the Director.

**§2112. Permit Renewal.** Permits shall be renewable on an annual basis. Permit will start on July 1st of each year and expire June 30, of the following year.

**§2113. Structures.** All structures:

(a) shall be erected only in those areas assigned to the vendor by the Director or his representative;

(b) may remain erected between 7:00 a.m. and 5:00 p.m. each day, unless written permission is obtained from the Director;

(c) shall occupy a canopy area not exceeding 14 feet frontage by 8 feet in depth, or a vendor hut as authorized by the Director.

**§2114. Signs.** Each vendor may display one sign, not to exceed four feet in size, limited to the following information: name of vendor, a list of products being offered for sale or rent, and prices of the products. Each sign shall be attached flush to the side of the vendor's structure. It may not extend out or be free standing. Signs not in conformance with this section are not allowed. Wordings in a foreign language must also have English translation.

**§2115. Designated Areas.** Vendors shall confine their activities to the specific areas assigned to them by the Director or his representative. No vendor shall solicit, advertise or sell outside the specific area assigned to that vendor without the prior authorization of the Director or his representative.

**§2116. Maintenance: Trash.** Vendors shall keep their areas in a neat and orderly manner. Vendors are required to have a trash receptacle within their authorized area and shall remove all trash and debris from the park daily generated by their operation.

**§2117. Same: Display Table.** Vendors shall have a display table size not to exceed 10 feet by 4 feet to display their merchandise. Auxiliary tables are not permitted. All merchandise, either for sale or for advertising purposes, must be displayed only on top of and/or directly attached to the display table front. No merchandise, either for sale or for advertising, is to be hung on either side of canopy area.

**§2118. Same: Plants and Improvements.** No signs shall be attached to any trees, shrubs, and park

improvements, nor shall vendor damage any trees, shrubs and park improvements.

**§2119. Vendor Vehicles.** Vendor vehicles must be parked in areas designated by the Director or his representative. Vendors are not to drive their vehicle in the park under any circumstances.

**§2120. Alcoholic Beverages.** The Director, on a case by case basis, shall decide when alcoholic beverages can be sold in a park area. If a vendor is authorized, that vendor shall not sell such beverages in cans or glass containers.

**§2121. Compliance With Government of Guam Land Use Controls.** All vendors shall comply with the Government of Guam land use controls, such as zoning, seashore protection, building code and federal public law and outdoor recreation grant land use restrictions where applicable.

**§2122. Violations.** (a) For violations of these or other relevant rules, regulations, or statutes, vendor shall be fined \$50.00 per violation, vendor may also have his license suspended or revoked after a hearing conducted in accordance with the Administrative Adjudication Act.

(b) Under exceptional circumstances, to preserve peace and order or avert damages or destruction to property, the Director may effect an immediate temporary suspension of a vendor's license, provided that procedures are begun within two working days to conduct a hearing in accordance with the provisions of the Administrative Adjudication Act. The burden of proving the necessity of such an exceptional suspension shall be upon the Director.

**§2123. Guam Island Fair: Exempted.** These regulations shall not apply to activities in parks prescribed by the Governor under authority of 1 GCA §1012 relating to the Guam Island Fair.

**§2124. Special Permits.** Notwithstanding any other regulation promulgated by the Director, the Director is authorized to issue permits for special activities subject to the following provisions:

(a) No permit shall be valid for longer than ten (10) days.

(b) The fee shall be \$25.00 for the first three days. There will be a \$10.00 charge per day for days thereafter, not to exceed ten (10) days for non-profit organization qualifying for exemption under 11 GCA Chapter 26.

(c) The fee shall be \$50.00 for the first three days. There will be a \$15.00 charge per day for days thereafter not to exceed ten (10) days for profit organizations.

**§2125. Park Areas.** The Director, with the approval of the Commission, may include new park areas in these rules, under whatever section is deemed appropriate, so long as such inclusion does not violate existing laws.

**§2126. Short or Long-Term Concession.** The Director is authorized to enter into short or long-term concession agreements subject to the following:

(a) The Director has the authority to change vendor areas to concession areas provided one year notice is given.

(b) The term of the long term concession agreement shall be from three (3) to five (5) years.

(c) The term of a short term concession agreement shall be from one (1) to three (3) years.

(d) Only one concession exists, no vendor permits shall be issued for the park.

(e) Where a concession exists, no vendor permits shall be issued for the park.

(f) The concessionaire shall be responsible for the construction, maintenance and operation of a permanent facility in the park subject to design and location approved by the Director.

(g) Concessions shall only be permitted to sell Guam souvenirs, light refreshments, and park related items and services.

(h) Concessions shall be procured on a public bid basis by the Director with the highest bid being the determination factor on bid award.

(i) Concessionaires shall enter into a contract with the Department prior to construction or business within a park.