

CHAPTER 3 TERRITORIAL PARK SYSTEM

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NOTE: Rule-making authority cited for formulation of the Territorial Park System Rules and Regulations by the Director of Parks and Recreation, §3115, Chapter 3, 5 GCA.

Regulatory power for the formulation of rules and regulations of the Territorial Park System was originally vested in the Director of Land Management, §3109, Chapter 3, 5 GCA..

Executive Order 68-28 transferred responsibility for parks and recreational resources from the Department of Land Management to the Department of Commerce.

Pursuant to Public Law 12-209, a new Department of Parks and Recreation was created and responsibility of parks and recreational resources was transferred from the Department of Commerce to the Department of Parks and Recreation.

The regulations of the Territorial Park System are reprinted here in form as exact as possible to those filed with the Legislative Secretary. The substance of the regulations has not been changed. However, for the purpose of uniformity and ease of use, a new system of numbering has been adopted by the Editor.

§3101. Definition of Terms. (a) *Park* shall include but not be limited to the following areas maintained as a park by the Department of Parks & Recreation:

- (1) Plaza de Espana, Agana.
- (2) Beach Front, East, Agana.
- (3) Beach Front, West, Agana.
- (4) Fort Santa Agueda, Agana.
- (5) Latte Park, Agana.
- (6) Marine Drive Strip, Agana.
- (7) Padre Palomo Memorial Park, Agana.
- (8) Paseo de Susana, Agana.
- (9) Pigo Triangle, Agana.

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- (10) San Ramon Hill, Agana.
- (11) Skinner Plaza, Agana.
- (12) Tolai Acho, Agana.
- (13) Nimitz Beach, Agat.
- (14) Taelayag Bridge, Agat.
- (15) Taleyfac Bridge, Agat.
- (16) Libungan Vista, Asan.
- (17) Memorial Beach Park, Asan.
- (18) Aspengo, Barrigada.
- (19) Community Park, Barrigada.
- (20) Botanical Garden, Dededo.
- (21) Buffer Strip, Dededo.
- (22) Central Park, Dededo.
- (23) Kaiser Green Space, Dededo.
- (24) Liguán Terraces Recreation Area No. 1, Dededo.
- (25) Liguán Terraces Recreation Area No. 2, Dededo.
- (26) Liguán Terraces Recreation Area No. 3, Dededo.
- (27) Parcel Two, Dededo.
- (28) Puntan dos Amantes, Dededo.
- (29) Inarajan Bay Park.
- (30) Saluglula Pool, Inarajan.
- (31) Talofoto Surfing Beach, Inarajan.
- (32) Pier Park, Merizo.
- (33) Tot Lot, Merizo.
- (34) Pedro C. Santos Memorial Park, Piti.
- (35) Taguac Cemetery, Piti.
- (36) Tepungan Beach, Piti.
- (37) Ipan Beach, Talofoto.
- (38) Laderan Tumon Overlook, Tamuning.
- (39) Tamuning Park.
- (40) Ypao Beach, Tamuning.
- (41) Cetti Overlook, Umatac.
- (42) Fort San Jose, Umatac.
- (43) Fort Santo Angel, Umatac.
- (44) Fort Soledad, Umatac.
- (45) Manunu Site, Umatac.
- (46) Memorias Park, Umatac.
- (47) Salagna Site, Umatac.
- (48) Sella Overlook, Umatac.
- (49) Umatac Bay Park.
- (50) Yigo Recreation Area.
- (51) Pagat Site, Yigo.
- (52) Tagachang Park, Yona.
- (53) Tarzan Falls, Yona.

(b) *Chief* means the Chief of the Parks and Recreation Resources Division, Department of Parks and Recreation, government of Guam.

(c) *Authorized Representative* includes any person specifically vested with authority by the Chief.

(d) *Person* shall include every person, firm or corporation.

(e) *Animal* shall mean all animals, wild and domestic.

(f) *Motor Vehicle* means any multi-wheeled or treaded vehicle that is propelled by a motor or engine.

(g) *Vessel* includes every description of watercraft used or capable of being used as a means of transportation with the exception of surfboard or paddleboard.

(h) *Camping* shall mean the act of sleeping during night time hours on the premises or the use or occupation of the premises by one or more persons who remain or intend to remain on the particular premises the entire evening.

(i) *Designated Area* shall mean an area within a park defined by a sign or signs or other appropriate means for a specific use of uses.

(j) *Government* shall mean government of Guam.

(k) *Marina* shall mean any public marina owned by the government of Guam.

(l) *Recreational Boating Activities* shall mean utilization of watercraft for hobbies, sports or pleasure. This includes boats hired for recreational purposes and sport charter fishing and sailing operations. This does not include vessels whose sole or primary use is for human habitation.

(m) *Sewage* includes untreated or insufficiently treated human excreta, food wastes disposed of through sewers, wash water, liquid wastes from residences, commercial buildings and industrial establishments and such diluting water as may have entered the waste disposal system.

§3102. Authority and Purpose. (a) The purpose of these rules is to implement the provision of Title 14, Chapter 5, Government Code of Guam in regards to control and management of public parks and monuments.

(b) By virtue of Public Law 12-209, control of all public parks and monuments is vested in the Department of Parks and Recreation, government of Guam. All previous

rules and regulations for park use except those rules governing the Agana Boat Basin are hereby declared null and void.

(c) These rules apply to all parks except the Agana Boat Basin.

§3103. Enforcement and Penalty. (a) These park rules are enforceable by law enforcement officers of the Department of Public Safety, government of Guam, the Chief and authorized representatives.

(b) Violation of these rules and regulations may result in the expulsion from the park area of the violators, and will also subject such violators to prosecution under the laws of Guam where the violation of these rules and regulations is also a crime under said laws.

§3104. Protection of Natural Features. (a) No person shall wilfully pull from the ground, tramp, cut, break or pick flowers, leaves, limbs or branches, or other parts from, or otherwise injure, destroy nor deface any vine, bush, tree or other plants of any kind within the boundaries of any park except with the express written permission of the Chief. Exception is granted for removal of natural products of a renewable nature for personal use only.

(b) No person shall wilfully molest, disturb, injure, poison, trap or kill any living or dead animal, reptile, amphibian or bird including their nests and/or eggs within the boundaries of any park except with the express written permission of the Chief. Hunting may be permitted when it has been determined by the Chief that such use is compatible with park use and public safety.

(c) No person shall remove or destroy any form of marine life, living or dead, except fish according to Guam Fishing Laws except where specifically prohibited or limited, within the boundaries of any park. Exception shall be granted by the express written permission of the Chief. Fishing shall be specifically excluded from swimming areas.

(d) No person shall alter or remove any land features or form or remove any soil, rock, sand or gravel from within the boundaries of any park except with the express written permission of the Chief.

§3105. Vehicles. (a) All motor vehicles and trailers in a park shall conform with government of Guam Vehicle Codes.

(b) No motor vehicle or trailer shall be driven upon or parked within the boundary of a park except on roads and parking areas laid out, designated or provided for public use. Parking of motor vehicles shall be in places designated by appropriate signs and within stalls, wherever provided. Exception to this shall be granted by the order of the Chief, an officer of the Department of Public Safety or an authorized representative.

(c) No motor vehicle shall exceed a speed of twenty-five (25) miles per hour on any park road. Lower speed limits shall apply when posted.

(d) Loud mufflers, reckless driving and speed events are prohibited except by written permission of the Chief.

(e) Motorcycles, minibikes and trail bikes may use trails if specifically designated for their use or with the written permission of the Chief.

§3106. Designated Area Use. (a) The use of all firearms, traps and other weapons shall be in compliance with all Federal and government of Guam laws.

(b) Firearms, traps, archery equipment and other weapons shall only be used and displayed in designated areas except by express written permission of the Chief.

(c) Fires shall only be in designated fireplaces, grills or other appropriate devices or containers used for fire except with the express written permission of the Chief. It shall be the responsibility of the person or persons who started the fire or fires to insure the fire or fires is/are extinguished before leaving the area.

(d) The use of golf clubs for driving purposes and model airplane flying shall be permitted only in designated areas except with the written permission of the Chief.

(e) Swimming, bathing and surfing shall be permitted only in designated areas except with the written permission of the Chief or an authorized representative.

§3107. Prohibited Uses. (a) The following activities are prohibited:

- (1) Vandalism.
- (2) Gambling.
- (3) Commercial advertising.

(4) Abandoning property - property shall be considered abandoned if left unattended for a period of seventy-two (72) hours except upon the written permission of the Chief or an authorized representative. After seventy-two (72) hours it shall be impounded by the Department of Public Safety.

(5) Disorderly conduct or public nuisance.

(6) Public intoxication.

(7) Business operation except upon holding a valid contract or permit with the Department of Parks and Recreation.

(8) Begging.

(9) Soliciting without a permit.

(10) Occupying an area reserved by a permit, falsifying a permit or excluding other park users from an area not reserved by a permit.

(11) Issuing a false report to the Chief, a Public Safety Officer or an authorized representative.

(12) Cleaning and maintenance of a motor vehicle, except for temporary or emergency repairs.

§3108. Activities Allowed Except Where Prohibited.

(a) Picnicking is allowed except where specifically prohibited. Picnics with an attendance of over one hundred (100) people shall have a valid permit.

(b) Smoking is allowed except where specifically prohibited.

§3109. Controlled Use. (a) Animals are prohibited from public eating places, food establishments, swimming areas, beaches, boat docks, restrooms, playgrounds and public buildings within a park.

(b) Riding or driving animals shall only be in designated areas.

(c) All domestic animals shall be under the physical control of the owner or handler when in any road, parking area, picnic area, camping area or athletic field and shall not be left unattended. Domestic animals shall not be permitted to mutilate, injure or cause harm to plants, animals, historical, archeological, geological or land features or any person. If an animal shall injure any person or damage any property, the owner of such animal shall be

liable to the extent that his negligence was the approximate cause of such injury or damage.

(d) The operation of or use of audio devices including, but not limited to radios, television sets, musical instruments, engines or motors in such a manner to create excessive noise is prohibited. In addition, the use of the same audio devices in designated camping areas is prohibited from 9 p.m. to the following 9 a.m. Exception shall be granted by the express written permission of the Chief or an authorized representative.

(e) All lost items shall be turned in to the Chief, an officer of the Department of Public Safety, or an authorized representative.

(f) The use of roller skates or skate boards shall be in a safe manner and shall not be used in public buildings, beaches, parking lots or roads.

(g) The Chief shall have the authority to close certain areas, to limit night use and to close parks at night upon public notice. Persons using closed areas shall be held in violation of these rules.

§3110. Sanitation. (a) Burning of garbage, papers, cans, bottles, waste materials and other rubbish is prohibited.

(b) Draining and dumping refuse, waste, liquids, fish entrails, fish and other animal parts are prohibited except in specified places or receptacles.

(c) Cleaning food or washing clothing or household articles are prohibited except in designated areas.

(d) Polluting or contaminating any watershed, water supply, stream or water used for drinking, swimming, boating or other public recreation purpose is prohibited.

(e) Urinating or defecating, other than in proper facilities is prohibited.

(f) Using park refuse containers for dumping household or commercial garbage or trash brought as such from private property is prohibited.

(g) No person shall place, dispose of or throw away waste, refuse, litter or foreign substance in or upon any government of Guam park, except into receptacles provided therefor.

(h) No person shall have or keep any offal, garbage or decaying matter which produces an offensive odor except

when the same is being disposed of as garbage and is kept in a receptacle which shall be kept closed by a tight fitting cover at all times except when being filled or emptied.

(i) No person shall have or keep any article, substance or thing whatsoever in which flies may breed, unless the same be kept securely protected from flies.

(j) No rubbish shall be placed, left, dumped or permitted to accumulate or remain in such a way so as to constitute a breeding place for rodents and insects.

(k) No vessel shall discharge any treated or untreated sewage directly or indirectly into the water.

§3111. Permit Use. (a) The following activities shall be only by a permit issued by the Chief:

(1) Use of fireworks, explosives or any explosive devices.

(2) Use of any form of traps either for animals or marine life.

(3) Use of portable motors and engines, except marine outboard engines.

(4) Fund raising activities.

(5) Grazing of livestock.

(6) Commercial movie making.

(7) Use of public sound system.

(8) Lodging or residence in a park.

(9) Special use or right of entry either by a person, government of Guam or Federal agency.

(10) Rock climbing requiring the use of ropes and associated equipment.

(11) Commercial activities of any type by profit or non-profit organizations or individuals.

(12) Carnivals, fairs or benefits.

(b) The following activities shall be only by a permit issued by the Chief or an authorized representative:

(1) Pavilion use.

(2) Concerts.

(3) Public gatherings and rallies.

(c) Permits shall be granted at the pleasure of the Chief or an authorized representative.

(d) Permits shall be used only for the specified use and time stated on the permit.

(e) Liability and property damage insurance may be required of organizations or persons desiring a park use permit. The amount of insurance for each event will be based upon the size and type of activity contemplated.

(f) Permittee shall be subject to all conditions listed on the permit. These conditions shall be determined by the Chief and/or an authorized representative.

(g) Fees or deposits may be charged by the permittee with the authorization of the Chief.

(h) Deposits shall be retained by the Government when it has been determined by the Chief that conditions of the permit have been violated.

(i) The Department of Parks and Recreation may charge fees and/or deposits for park permits according to the following schedule:

(1) Deposits Five Dollars (\$5.00) per day per one hundred (100) people.

(2) Fees Two Dollars (\$2.00) per day per one hundred (100) people.

(j) No temporary structures will be constructed on park property without the written permission of the Chief or an authorized representative. Each structure will be inspected by a park representative for safety and location. Any temporary structure not removed by one (1) week after cessation of activities, will be removed by a private contractor or by park personnel, and the permittee billed for such removal.

(k) Permits do not grant an exclusive right to use a park. Other persons or groups of persons shall be permitted to use other portions of the park.

(l) The Government shall not be responsible for any personal injury, loss of life or damage to personal property, in connection with permit use. By acceptance of a permit, the holder thereof assumes full liability and responsibility thereof.

(m) Permits shall be revoked by the Chief if the permittee violates park rules, conditions of the permit or if deemed in the public interest.

(n) The Chief may impose maximum days of park or pavilion use for any activity.

(o) A permit issued for an activity involving the sale of food or drink to the public shall be valid only upon approval by the Department of Public Health and Social Services.

§3112. Memorials and Naming of Parks. Memorials shall be erected on a park or a park may be named in memorial of a person or persons only by the favorable majority vote of the Parks and Monuments Committee and concurrence of the Director of Parks and Recreation, except where the Legislature by law has provided for the park name or memorial.

§3113. Contracts, Fees and Donations. (a) The Chief shall be authorized to enter into contracts for concession operations and any other park services. Such contracts shall be in conformity with, and subject to, all other applicable laws or regulations of the government of Guam.

(b) There is hereby established a fund to be known as the "Park Improvement Fund", which shall be maintained separate and apart from other funds of the government of Guam and independent records and accounts shall be maintained therewith in a manner prescribed by the Director of Administration.

(c) All monies received by the Department of Parks and Recreation from fees and donations shall be deposited in the Park Improvement Fund. Improvements to parks shall be paid from said fund, and the Director of Administration is authorized to make the necessary disbursements upon submission of payment voucher by the Director of Parks and Recreation. Annual reports of all receipts and the disbursements from such fund shall be prepared by the Director and transmitted to the Governor.

§3114. Camping. (a) Camping or camper use shall be only in designated areas.

(b) Camping or camper use shall be only by a permit issued by the Chief, or an authorized representative.

(c) Persons camping or using campers shall clean the immediate area of their use before departing.

(d) A camp or camper shall not be unattended for more than twenty-four (24) hours.

(e) The Chief may impose maximum days of camping in specific areas.

§3115. Vessels, Public Marinas and Boat Launching Ramps. (a) It shall be unlawful for any person to anchor,

store, moor, tie or otherwise confine any boat, vessel or contrivance in the mooring areas of any marina (except at designated loading, transient or fueling docks) without first obtaining a use permit from the Chief. It is the policy of the Department that the moorings in the small boat harbor be used for the purpose of accommodating vessels used for recreational boating activities. To implement these purposes, only vessels capable of being propelled, maneuvered and navigated with safety, convenience and efficiency in the waters surrounding and within the confines of the marina shall be permitted to moor, anchor or berth at such marina or use any of its facilities. Habitation of boats in the marina is strictly prohibited, except for periods of short emergency as designated by the Chief.

The Department reserves the right to restrict the use of government property or facilities to those who observe these rules and regulations and make full and timely payments of applicable fees and charges.

(b) The *Use Permit* mentioned in this Section and in these rules and regulations shall mean the written authorization granted by the Chief for the purpose of allowing a boat to be anchored, stored, moored, tied or otherwise confined in or at the marina.

Use Permits shall be issued only after a determination by the Chief that all applicable laws have been complied with and that all fees and charges payable at the time of the issuance or reissuance of a permit have been paid.

(c) The Chief may issue or renew a Use Permit for any period up to, but not exceeding one (1) year. Upon expiration of the period stated herein, the permit and all rights of the permittee thereunder shall automatically terminate. No Use Permit shall be renewed unless the conditions of the original issuance are met nor shall a Use Permit be issued or renewed unless all fees and charges due and payable are paid.

(d) A Use Permit may be revoked for any of the following reasons:

- (1) Delinquency in the payment of any fee or charge;
- (2) The vessel no longer meets the Department's standards of safety, sanitation and maintenance; and
- (3) Any other grounds specified in these rules and regulations. [Part XV, 15.04]

(e) Any person who is the owner of a private pleasure boat shall be entitled to make application for a permit to tie, moor or dock his boat in the marina. Such permits shall be issued according to a criteria established by the Chief, and he shall assign the applicant a specific berth:

(1) Such application shall be upon the form prescribed by the Director and shall contain:

a. The United States Coast Guard, government of Guam or other official registration of the boat.

b. Name of the boat, if any.

c. Manufacturer's name.

d. The overall length and beam of such boat for which the permit is applied.

e. Date of such application.

f. The name, residence and mailing address of the owner.

(2) Any holder of a permit must attach same to the boat as herein provided and failure to do so shall be prima facie evidence that no valid permit is held by the owner of such boat.

(f) A *Use Permit* may be cancelled by a boat owner upon thirty (30) days written notice to the Chief. Any refund shall be prorated according to remaining period of validity of the permit.

(g) All vessels located on or upon the waters of a marina shall be subject to inspection by the Chief at any time when necessary and proper for the purpose of enforcing these rules and regulations. In keeping with marine custom, reasonable efforts shall be made to obtain permission to board from the owner or captain prior to inspections.

(h) Persons docking, tying or mooring a boat shall remove such boat from the marina within ten (10) days after written notification from the Chief in the event the boat becomes sunk or for any reason the Director determines that such boat would create a hazard to other boats stored in the marina. Any action taken by the Department to remove the vessel or contrivance shall be at the sole cost and risk of the owner of the vessel or contrivance.

(i) The Department reserves the right, when it is necessary and proper to do so, to:

- (1) move any vessel from one part of the marina to another;
- (2) remove any vessel from the confines of the marina; and
- (3) remove any vessel to dry storage.

Unless emergency or other circumstances require otherwise, such action shall be preceded by reasonable effort by the Department to give notice and opportunity to the owner to remedy the situation himself by removal or otherwise. Upon failure to comply within ten (10) days of such notice, such actions may be effected either by the Department itself or through the hiring of an independent contractor and at the sole risk and expense of the owner.

(j) If a vessel is moored so as to be in danger of sinking, the Department shall, after making reasonable effort to give due notice and opportunity of its owner or agent to effect appropriate remedy, take action as the circumstances require to save or rescue the vessel, prevent damage to other property or destruction of waterways. The cost for such service shall be assessed the owner.

(k)(1) Acceptance of a permit shall constitute an agreement that the permit holder will hold the Government and its authorized representatives completely blameless for any liability in connection with the operation, docking, tying or mooring of any boat.

(2) The holder of a use permit shall be responsible for any damage occurring as a result of the operation of his boat by any minor.

(3) The actual operator of any vessel shall be liable for any damage caused by such vessel in the water of the marina except as stated in Section (2) above.

(l) No permits shall be issued to minors under eighteen (18) years of age. No persons under twelve (12) years of age shall be admitted to the marina unless accompanied by an adult who shall assume full responsibility for his safety and conduct.

(m) A permit granted by the Chief shall not be assigned or transferred. Persons holding a permit may not sublease the space assigned to the holder of such permit.

(n) In the event any vessel is abandoned or any owner is delinquent in the payment of any fee or charge after reasonable notice, the Chief may publicly auction off such undocumented vessel, applying funds received to any unpaid charge holding the balance to the credit of the owner.

(o) Documented vessels which are abandoned or delinquent in the payment of any fees or charges shall be referred to the U.S. Attorney for further action.

(p) The owner of any vessel moored in the marina shall notify the Department in writing within seven (7) days if:

(1) he no longer has possession of the vessel; or

(2) all or any interest in the vessel is transferred to another person or persons; or

(3) the owner's address or telephone number changes; or

(4) the vessel is chartered, leased or rented. The new possessor or owner of any interest in any vessel moored in the marina shall within seven (7) days after acquiring same notify the Department in writing concerning the acquisition.

(q) All vessels and any property or facility used in the marina shall be kept, at all times, in condition of reasonable cleanliness and sanitation so as not to constitute a common nuisance or potential danger to public health.

(r) No person shall have or keep on his vessel any offal, garbage, decaying matter or any other matter which gives off an offensive odor except when the same is being disposed of as garbage and is kept in a receptacle which shall be kept closed by a tight fitting cover at all times except when being filled or emptied.

(s) No person shall have or keep on his vessel, any article, substance or thing whatsoever in which flies may breed, unless the same be kept securely protected from flies.

(t) No rubbish or waste of any kind shall be placed, left, dumped or permitted to accumulate or remain on any vessel or in the vicinity of the same, in such a way so as to constitute a breeding place for rodents.

(u) Marine Toilet Restrictions:

(1) No toilet on a vessel or contrivance shall be operated so as to discharge any treated or untreated sewage directly or indirectly into the waters.

(2) No person on a vessel or contrivance equipped with a toilet shall use, or permit the use of, such toilet while within the marina unless the toilet is equipped with facilities in good operating condition that will adequately treat, hold, incinerate or otherwise handle sewage in a manner that is capable of preventing water pollution. The water pollution control device acceptable for the purposes of this Section is any device determined by the Director of the Guam Environmental Protection Agency to be effective in arresting the possibility of pollution from sewage passing into or through toilet aboard a vessel or contrivance.

(3) Marine toilets shall be mandatory aboard boats utilizing the marina in keeping with the U.S. Coast Guard Regulations.

(4) Marine toilet holding tanks of boats within a marina shall be emptied only in authorized areas provided for that purpose.

(v) Berthing rates are as follows:

(1) Improved docks:

Under 16 feet	\$10 monthly
16 - 23	\$12
24 - 39	\$20
40 and over	\$30

(2) Unimproved docks:

Under 16 feet	\$ 5
6 - 23	\$ 6
24 - 39	\$10
40 and over	\$15

§3116. Special Rules. (a) The Chief shall be authorized to issue special rules and regulations for a period of sixty (60) days with the concurrence of the Parks and Monuments Committee.

(b) The Chief shall be authorized to establish fees or deposits for other uses or materials besides permits with the concurrence of the Parks and Monuments Committee.

(c) These rules shall not prevent the Department of Parks and Recreation personnel from accomplishing their duties.

§3117. Legislative Interpretation. (a) If any section, part, sentence or clause of these rules is for any reason held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portion of these rules.

(b) Incorporation by reference is hereby stated to be the basic rule of interpretation for these rules and regulations. In case any disputes arise as to applicability they will be determined by the Chief.

(c) These rules shall take effect thirty (30) days after adoption.