

GOVERNMENT OF GUAM  
Office of the Governor  
Agana, Guam

EXECUTIVE ORDER NO. 5-58

WHEREAS, under the Health and Sanitation Law, Section 9660.8, Government Code, requires the Director of Public Works to prescribe by regulation, subject to the approval of the Governor, a schedule of reasonable fees for the collection of garbage and rubbish from non-residential premises, and the procedure for the payment of such fees; and

WHEREAS, Section 9500.4, Government Code, requires that such regulations be promulgated by an official executive order;

NOW, THEREFORE, by virtue of the foregoing, the attached rules and regulations, designated "Department of Public Works, Garbage Regulations #1", relating to fees for the collection of garbage and rubbish by the Government of Guam from non-residential premises and the procedure for payment thereof prescribed by the Director of Public Works are hereby approved and promulgated by executive order, and shall be in force and effect as of the date of this Order.

Signed at Agana, Guam, this 9<sup>th</sup> day of

April, 1958.

  
7s/ RICHARD BARRETT LOWE

RICHARD BARRETT LOWE  
Governor of Guam

COUNTERSIGNED:

  
/s/ MARC. BOSS

MARCELLO CRANE BOSS  
Secretary of Guam

HWBurnett:mtp

To	Initial	Date
agly AG Burnett	LB	3-25-58

## DEPARTMENT OF PUBLIC WORKS

## GARBAGE REGULATIONS #1

Schedule of Fees for the Collection  
of Garbage and Rubbish from Non-  
Residential Premises and Procedure  
for Payment Thereof.

Pursuant to the authority vested in the Director of Public Works by Section 9660.8, Government Code, the following rules and regulations are hereby prescribed:

Section 1. Scope. These regulations relate to schedule of fees for the collection of garbage and rubbish from all non-residential premises in the collection area.

Section 2. Definition.

(a) "Non-Residential Premises" are those premises or portions of premises not used exclusively for residential purposes or by the Government of Guam.

Section 3. Requirements for service; Application; Deposit. No garbage or rubbish collection service shall be rendered to any non-residential premises:

(a) Until the owner, tenant or licensee of the premises shall have filed with the Department of Public Works an application in triplicate on a form attached hereto as Exhibit 1 prepared by the Department of Public Works (i) requesting that such service be rendered to the premises, (ii) agreeing to pay therefor according to the schedule of fees established by Section 4 of these rules and regulations, and any amendments thereof, and (iii) agreeing to be bound by these regulations and any amendment thereof, and shall have deposited with the Government of Guam, as hereinafter provided in Section 6, a sum of money to secure payment of the services rendered in an

(b) The application shall have been approved by the Director of Public Works or his delegate. The original of the approved application shall be properly filed in the Department of Public Works. One copy of such approved application shall be delivered to the Director of Finance, and the third copy shall be given to the applicant.

**Section 4. Types of Service and Fees; Amount of Deposit.**

(a) The following are the types of service available, the fees therefor, and the deposit required to secure payment:

Rate No. 1: \$20.00 per quarter or \$1.60 per week if the customer receives service for less than a quarter. This rate provides service, under normal conditions, on the basis of two collections per week of not more than six (6) cubic feet per collection. Deposit required: \$28.00.

Rate No. 2: \$40.00 per quarter or \$3.20 per week if the customer receives service for less than a quarter. This rate provides service, under normal conditions, on the basis of two collections per week of not more than twenty-four (24) cubic feet per collection. Deposit required: \$56.00.

Rate No. 3: \$54.00 per quarter or \$4.20 per week if the customer receives service for less than a quarter. This rate provides service, under normal conditions, on the basis of two collections per week of not more than forty-two (42) cubic feet per collection. Deposit

Rate No. 4: \$54.00 per quarter plus \$6.00 per quarter for each additional six (6) cubic feet per collection above forty-two (42) cubic feet per collection, or \$4.20 per week plus \$0.50 per week for each additional six (6) cubic feet per collection above forty-two (42) cubic feet per collection if the customer receives service for less than a quarter, on the basis of two collections per week, under normal conditions. Deposit required: \$75.00 plus five times \$0.50 for each additional six (6) cubic feet above forty-two (42) cubic feet per collection.

(b) Rates will not be computed on the basis of less than a period of one week.

(c) For the purposes of computation, six (6) cubic feet are deemed equivalent to one (1) standard oil drum or two (2) standard size garbage cans, or six (6) one cubic foot cartons or boxes.

(d) Service furnished shall be on the basis of the rate applied for. No service shall be furnished in excess of the rate applied for except upon a new application. No adjustment shall be made on any retroactive basis where the rate applied for is in excess of collections actually made.

(e) While service shall be furnished normally on the basis of two collections per week, no guaranty is made as to frequency of collections. Failure to make collections shall not be the basis for any claim of liability for damages or otherwise.

**Section 5. Invoicing; Payments; Non-Payment;  
Discontinuance of Service.**

(a) All service accounts shall be maintained in the Department of Finance, which shall prepare invoices for the three prior months for delivery on or after the tenth day of January, April, July and October of each year at the Treasurer's Office in Agana.

(b) Invoices will either be delivered by deposit in the United States mail to the address set forth in the application or picked up by the customer at the Department of Finance. Failure to receive an invoice will not excuse delinquency or liability for payment.

(c) All invoices shall be paid to the Treasurer of Guns on or before the 25th day of the month in which issued, namely, January, April, July and October. If a customer fails to make payment by such date, the customer's deposit will be debited to the amount of the invoice, and for the current month, and garbage and rubbish collection service to such customer will be discontinued. The Director of Finance, or his delegate, shall immediately notify the Director of Public Works of such non-payment. Immediately following the restoration of the amount debited to the deposit and the payment of \$2.00 service charge to cover the cost of clerical work the Director of Finance, or his delegate, shall notify the Director of Public Works and service will thereupon be restored. The \$2.00 service charge shall be paid into the General Fund of the Treasury.

Section 6. Deposits; Custody; Disposition; Return.

(a) Deposits to secure the payment of charges for garbage and rubbish collection services shall be made in cash, or by check or money order payable to the Treasurer of Guam.

(b) A receipt for each deposit shall be issued in triplicate by the Director of Public Works, or his delegate, on a standard form prescribed by the Director of Finance.

(c) The original of the receipt shall be delivered to the depositor or his representative; one copy shall be delivered to the Treasurer of Guam with the deposit; and the third copy shall be properly filed in the Department of Public Works.

(d) All deposits shall be treated by the Treasurer as in the nature of a trust fund for the benefit of the Government of Guam, to be debited, in the event of default of payment of charges for garbage and rubbish collection services rendered by the Government of Guam, the balance if any remaining at the termination of the relationship to be returned to the depositor, or his duly authorized representative, upon a release, executed by the Director of Public Works, or his delegate, and approved by the Director of Finance, or his delegate, in the form following as attached hereto as Exhibit 2.

Section 7. These regulations may be cited as DFW-0861 (Department of Public Works--Garbage Regulations #1).

Section 8. These regulations shall apply to all collection service to be furnished commencing with the first day of the first month following promulgation by the Governor.

Exhibit 1

FCN 4-3-12  
Approved

GOVERNMENT OF GUAM  
Department of Public Works

APPLICATION FOR GARBAGE COLLECTION SERVICE

.....  
the undersigned, hereby makes application to the Department of Public Works, Government of Guam, herein called "Government", for Rate No. \_\_\_\_\_ service for the collection of garbage and rubbish from non-residential premises occupied by the applicant in the Municipality of \_\_\_\_\_, Guam, on which is operated \_\_\_\_\_, known as (store, restaurant, etc)

....., and agrees as follows:

1. That this application for Rate No. \_\_\_\_\_ service is based upon \_\_\_\_\_ cubic feet of garbage and rubbish per collection, and that no service in excess thereof shall be furnished except upon a new application.
2. To be bound by all the rules and regulations of the Government and any amendment thereof relating to the collection of garbage and rubbish from non-residential premises.
3. To pay for the services rendered pursuant to this application during the prior quarter, or portion thereof, on or before the 25th day of the months of January, April, July, and October at the rates now established by the said rules and regulations, and as modified from time to time.
4. To give fifteen (15) days' written notice to the Department of Public Works of any desired discontinuance of the service.
5. To deposit as security for payment of the service the sum of \_\_\_\_\_

Dollars, <sup>1/</sup> ( \_\_\_\_\_ ) which is attached hereto.

6. That, unless notice is subsequently given in writing by the undersigned, all invoices shall be delivered as follows: <sup>2/</sup> \_\_\_\_\_

Signed this \_\_\_\_\_ day of \_\_\_\_\_,  
19 \_\_\_\_\_.

\_\_\_\_\_  
Applicant

The above application is hereby approved this  
\_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

GOVERNMENT OF GUAM  
Department of Public Works

By: \_\_\_\_\_  
Authorized Officer

<sup>1/</sup> Deposits for various rates:

- Rate No. 1 = \$25.00
- Rate No. 2 = 50.00
- Rate No. 3 = 75.00
- Rate No. 4 = 75.00, plus five times \$0.50 for each additional six (6) cubic feet above forty-two (42) cubic feet per collection.

<sup>2/</sup> Indicate either mailing address or state invoices will be



Exhibit 2

FCN 4-3-13  
Approved

GOVERNMENT OF GUAM  
Department of Public Works

GARBAGE COLLECTION DEPOSIT RELEASE

Serial DFW-OCOR-\_\_\_\_\_

Date: \_\_\_\_\_

To the Director of Finance:

\_\_\_\_\_  
(Name of Depositor)

\_\_\_\_\_  
(Address of Depositor)

is indebted for garbage and rubbish collection services (in addition to any unpaid accounts for such services in your office) as follows: \_\_\_\_\_

\_\_\_\_\_  
(Specify the amount of any indebtedness for uninvoiced service)

The deposit which the said depositor made for which Receipt No. \_\_\_\_\_, was issued, less \_\_\_\_\_

\_\_\_\_\_  
(Specify above stated amount)

and any unpaid accounts in your office for said services, may be released.

DEPARTMENT OF PUBLIC WORKS

By: \_\_\_\_\_  
Authorized Officer

Approved, for release of \_\_\_\_\_

\_\_\_\_\_ Dollars (\$ \_\_\_\_\_), upon presentation of original Receipt No. \_\_\_\_\_, or execution of release.

DEPARTMENT OF FINANCE

By: \_\_\_\_\_  
Authorized Officer

RELEASE BY DEPOSITOR

Date: \_\_\_\_\_

In lieu of the surrender of Garbage Collection Deposit  
Receipt No. \_\_\_\_\_, and the payment of \_\_\_\_\_  
Dollars (\$ \_\_\_\_\_),

I hereby release the Government of Guam from any and all  
liability therefor.

\_\_\_\_\_  
Depositor or Authorized Agent

WITNESS:

\_\_\_\_\_