

GOVERNMENT OF GUAM  
OFFICE OF THE GOVERNOR  
AGANA, GUAM

EXECUTIVE ORDER NO. 76-8

RULES AND REGULATIONS RELATIVE TO THE  
CONSTRUCTION, OPERATION AND MAINTENANCE  
OF CEMETERIES

WHEREAS, there is a great demand being placed on the very limited land resources available in the Territory of Guam; and

WHEREAS, these limited land resources must be utilized most judiciously; and

WHEREAS, there is an ever increasing demand for suitable land area for the burial of the deceased; and

WHEREAS, it is essential that the burial of human bodies be conducted in such manner and in such locations as to adequately protect the health and welfare of all the people of the Territory of Guam while effectively utilizing our limited land resources; and

WHEREAS, Title X, Chapter VI, Subchapter U, Article I, Section 9700 of the Government Code of Guam provides that the Director of Public Health and Social Services shall have cognizance of all cemeteries, crypts, mausoleums, vaults, crematories, mortuaries, and dead human bodies; and

WHEREAS, Title X, Chapter VI, Subchapter A, Section 9500.4 of the Government Code of Guam authorizes the Director of Public Health and Social Services to prescribe such rules and regulations as may be necessary to implement the provision of Chapter VI by Executive Order; and

WHEREAS, a public hearing regarding these rules and regulations was conducted on February 18, 1976; and

WHEREAS, the Director of Public Health and Social Services has adopted rules and regulations governing the construction, operation and maintenance of cemeteries which address themselves to the aforementioned needs;

NOW, THEREFORE, I, RICARDO J. BORDALLO, Governor of  
Guam, by virtue of the authority vested in me by the Organic Act  
of Guam, as amended, do hereby approve and promulgate, as attached  
hereto, "The Rules and Regulations Relative to the Construction,  
Operation and Maintenance of Cemeteries."

All rules, regulations, policies, memorandum, or  
Executive Order in conflict with this order are hereby superseded.

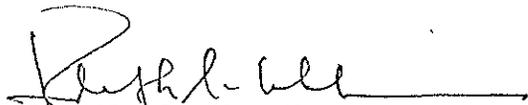
This Order shall be effective upon approval of the  
Governor and upon filing of said Order with the Legislative  
Secretary of the Guam Legislature.

Signed and promulgated at Agana, Guam this 9th day  
of March, 1976.



RICARDO J. BORDALLO  
Governor of Guam

COUNTERSIGNED:



RUDOLPH G. SABLAN  
Lieutenant Governor

DEPARTMENT OF PUBLIC HEALTH  
AND SOCIAL SERVICES  
GOVERNMENT OF GUAM

*Exec Order 76-8*

REGULATIONS RELATIVE TO THE CONSTRUCTION,  
OPERATION AND MAINTENANCE OF CEMETERIES

RULES AND REGULATIONS RELATIVE TO THE  
CONSTRUCTION, OPERATION AND MAINTENANCE  
OF CEMETERIES

Adopted by the Director of Public Health and Social Services and promulgated by the Governor of Guam under authority of Section 9500.4 of Chapter 6, Title X of the Government Code of Guam.

1. Definitions

For the purpose of these rules and regulations the following definitions shall apply:

"Cemetery" shall mean any approved cemetery constructed, maintained and operated by any public or private organization, church, or any other person as herein defined, including any such facility operated by the Government of Guam.

"Person" shall include, but not be limited to, any individual, non-profit organization, business, or any other entity including the Government of Guam.

"Burial Place" or "grave" shall mean any area where a human body or any human remains are permanently laid to rest whether above or below the surface of the ground.

"Grave marker" shall mean any headstone, ornament or other permanent structure used to mark the site of a "grave" or "burial place".

"Director" shall mean the Director of Public Health and Social Services or his authorized representative.

"Caretaker" means that person responsible for the maintenance and operation of any public or private cemetery.

## 2. General

- 2.1 Prohibition. No person shall bury any human body or human remains except in a cemetery as defined in these rules and regulations except as otherwise permitted in these regulations or unless authorized by the Director.
- 2.2 Permit required. Any person who constructs a cemetery must first obtain a permit from the Department of Public Health and Social Services for such construction.
- 2.3 Construction, maintenance, operation. All cemeteries shall be constructed, maintained and operated in accordance with these rules and regulations.
- 2.4 Notice of correction. The Director of Public Health and Social Services shall give notice to any person constructing, maintaining, or operating a cemetery which is in violation of any provision of these rules and regulations. Said notice shall include the provision violated, the corrections to be made, and the time permitted for correction.
- 2.5 Closure. Any cemetery may be subject to closure at the discretion of the Director if the continued operation of the cemetery may endanger the health of the people or create a public nuisance. A cemetery may be subject to closure if it continues to operate in violation of these rules and regulations for sixty (60) days after receiving a notice of correction from the Director.

2.6 Existing cemeteries. Any cemeteries existing at the time these rules and regulations are promulgated shall comply with these rules and regulations for any additional construction, establishment of new cemeteries or burial places, expansion of services or extension of existing boundaries. All existing cemeteries shall comply with the maintenance, operation, responsibility, caretaker and general provisions of these rules and regulations.

2.7 Burial at sea. The Guam Environmental Protection Agency shall provide the Director with locations around Guam where burials at sea can take place without detriment to the ocean environment.

2.8 Disinterment. No person shall disinter any human body or human remains, permit such disinterment or cause any such disinterment without a permit issued by the Director.

2.9 Burial Sites. No human body or other human remains shall be buried in any location which may interfere with the disinterment of any other human body or remains.

### 3. Location

3.1 Ocean intrusion. All areas of a cemetery shall be located at an elevation at least ten (10) feet above the highest high tide mark of the ocean to prevent salt water intrusion into the graves.

3.2 Flooding. No cemetery shall be located in an area that is subject to flooding.

- 3.3 Rivers, well. No part of a cemetery shall be within 100 feet of a river or other waterway, or within 500 feet of a well.
- 3.4 Water recharge areas. No cemetery shall be located in any area of Guam where the underlying coral foundation may serve as a recharge area for the northern underground water lens or other underground water.
- 3.5 Accessibility. Every cemetery shall be accessible by a maintained road.

#### 4. Construction

- 4.1 General. Cemeteries shall be planned and constructed so that all graves sites are easily accessible to grave digging and maintenance equipment.
- 4.2 Burial above ground. All burial above ground must be constructed in compliance with applicable building codes of the Government of Guam. The maximum number of stories of any such burial site shall be six. Exhaust pipes shall be provided and all graves in each row shall be provided with ventilation holes leading to the graves above and below.
- 4.3 Drainage. Cemeteries shall be constructed so that rain water runoff is diverted away from the grave sites.
- 4.4 Fencing. All cemeteries shall be enclosed by a fence or wall of at least six (6) feet in height with a large gate for ingress and egress of equipment and vehicles and a small gate for pedestrian traffic.

- 4.5 Parking. Space for the parking of at least ten (10) vehicles shall be made available just outside the fenced-in area of the cemetery. The parking area shall be adjacent to the pedestrian gate.
- 4.6 Buildings. All buildings constructed in conjunction with a cemetery shall meet applicable Government of Guam Building Codes and shall be served by a source of water approved by the Director and have sewage disposal facilities approved by the Director.
- 4.7 Toilet facilities. The applicant shall demonstrate to the satisfaction of the Director that toilet facilities shall be available for maintenance personnel as necessary. If the cemetery is located next to a church or other public building and written permission is received to use the toilet facilities of this building then the cemetery will not be required to provide additional facilities. However, at such time as facilities are no longer available in a public building, the cemetery will be required to provide toilet facilities.
- 4.8 Water. Running water and a sink shall be available at all cemeteries for cleaning and washing purposes. The water must be from an approved source.
- 4.9 Concessions. No temporary or permanent concessions for the sale of food, drink, or any other commodities will be permitted in any cemetery.

## 5. Maintenance

- 5.1 General. All cemeteries will be maintained in a clean and sanitary manner at all times.
- 5.2 Lawn. The area reserved for grave sites shall be planted in grass or similar ground cover and kept cut to provide a park-line appearance. Grass and other vegetation around grave markers will be kept trimmed at all times.
- 5.3 Flowers. The planting of live flowers around individual graves by the public is prohibited. Flowers may be planted within the cemetery area for ornamental purposes provided they are properly maintained by the groundskeeper.
- 5.4 Vases. Vases for picked flowers may be permitted providing as follows:
- a. The vase is placed in the ground so the top of the vase is flush with the ground surface or on top of grave markers so they will not interfere with maintenance equipment.
  - b. Flowers are not left unattended so that they rot and become unsightly.
  - c. The water in the vases is exchanged at least once a week to prevent the breeding of mosquitoes.
  - d. Any vase not properly attended will be removed by the caretaker.
- 5.5 Trash receptacles. Adequate trash receptacles with tight fitting lids will be made available and located by the pedestrian gate

for the use of the public. All trash, garbage, refuse, and other discarded matter will be transported to an authorized disposal site at least two (2) times per week.

## 6. Operation

- 6.1 Vehicles. All vehicles other than maintenance vehicles are prohibited inside the fenced area except on established roadways within the cemetery.
- 6.2 Operating times. No cemetery shall open before sunrise or remain open after sunset. All cemeteries shall post a conspicuous sign by the pedestrian gate stating the days and hours when the cemetery is open.
- 6.3 Burials. A cemetery may set aside specific days for burials. Such information shall be posted by the pedestrian gate.
- 6.4 Graves. All graves shall be neatly dug and backfilled with sufficient compaction to prevent the cover soil from collapsing or eroding at anytime thereafter.
- 6.5 Security. All cemeteries shall be secured when not open. Equipment gates and pedestrian gates shall be locked.
- 6.6 Records. Each cemetery shall have a map of the cemetery showing all of the burial plots and proposed burial plots. Each plot shall be numbered, and records kept of the name, date of birth, and age of each person buried in a plot. The records shall be made available to the Director upon request.
- 6.7 Grave markers. Cemeteries may establish their own rules relative to the size, shape, and kind of grave markers permitted.

Provided, however, the cemetery shall be responsible for maintaining the area around the grave markers in a neat and orderly manner.

## 7. Caretaker

7.1 Charge. Every burial ground or cemetery or plot of ground set aside or devoted to cemetery or burial purposes shall be placed in charge of a caretaker appointed or employed by the person or persons interested therein or claiming ownership thereof. It shall be the duty of the caretaker to comply with all regulations made by the Director relating to cemeteries. Until a caretaker has been designated and has registered with the Director, burials or interments of dead human bodies are unlawful.

7.2 Registered. Every person who acts as a caretaker, or has charge or care of any vault, tomb, burying ground, cemetery or plot of ground set aside or devoted to cemetery or burial purposes, shall cause his or her name and residence, and the nature of his or her charge and duties, to be registered with the Director.

7.3 Duties. The caretaker must conduct his duties so as to prevent any unhygienic condition arising therefrom and so as to avoid any danger to public health. It shall be the duty of each of said caretakers to make sure that no damage is done to the graves, crypts, vaults, and fences, to prevent cattle and other animals from entering said cemeteries, to transmit all burial - transmit permits to the local registrar, to maintain and deliver, whenever required by the Director, records of burials as set forth

on their books, and to deliver over to their successor said books. It shall also be the duty of the caretaker to provide for the identification of tombs, vaults or other sites of burial by appropriate markings, and to prepare and keep up to date a map or plot showing the location of each body buried within the cemetery or burying place.

Adopted this 9th day of March, 1976.

  
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PEDRO L.G. SANTOS, Director,  
Public Health and Social  
Services.