



Mayors' Council of Guam

Konsehelon Mahot Guahan

FILE COPY

MEMORANDUM

September 24, 2021

TO: ATTORNEY GENERAL OF GUAM
 FROM: EXECUTIVE DIRECTOR
 SUBJECT: REQUEST FOR LEGAL OPINION
 RE: ABANDONED/JUNK VEHICLES



received 9:45 AM
 9/28/21 Aff.
 Municipal Office
 Gov. Office

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[Signature]

Buenas yan Hafa Adai! Recently some issues have arisen as to the authority of the Mayors' Council of Guam to remove abandoned/junk vehicles where a consent or release of liability is not given by an owner. In many cases that we have dealt with in the recent years many of the vehicles have no identifiable registered owner or claimants to the vehicle.

Thus, we seek your assistance in this regard.

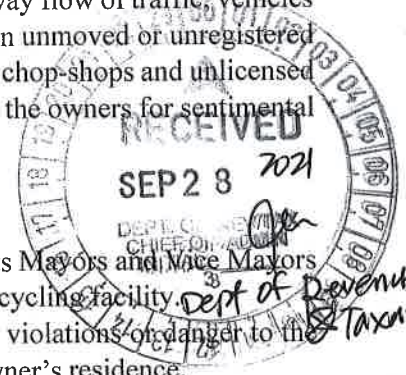
DISCUSSION:

1. The Mayors and Vice Mayors of Guam have for many years been collecting abandoned vehicles in Guam's 19 villages;
2. Collection of junk vehicles on private property at the consent and release of liability of the owner;
3. Collection of abandoned or junk vehicles in areas where eminent health hazards and or danger to residents exist, e.g. bus stops;
4. Collection on public routed roads and/or easements where vehicles have been stripped and cannibalized and left as an eyesore and danger to motorists;
5. Collection in areas deemed necessary to have such abandoned vehicles removed.

All vehicles removed above are taken to a Guam Environmental Protection Agency (GEPA) Permitted Site for processing and shipment off-island through a Purchase order issued by the Mayors' Council of Guam. However, recent events in some villages have residents questioning the authority of Mayors/Vice Mayor's to remove vehicles on public easement on narrow village roads that impede 2-way flow of traffic; vehicles on public easements directly adjacent or in front of private homes that have been unmoved or unregistered with Division of Motor Vehicles for years; vehicles that have become source for chop-shops and unlicensed parts selling businesses; vehicles that have no commercial value but are kept by the owners for sentimental value.

QUESTION:

1. What is the legal authority for the Mayors' Council of Guam through its Mayors and Vice Mayors to request for the removal of such vehicles and taken to an approved recycling facility?
2. Can the Mayors' Council of Guam legally cite homeowners for health violations or danger to the community for vehicles left on public easements but adjacent to the owner's residence.



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Guam Environmental
 Protection Agency

3. Can the Mayors' Council of Guam ask for the Guam Police Department (GPD) to have unregistered and unworking vehicles removed on narrow roads that impede traffic for residents living on the same roadway? If GPD is not successful in having the vehicle removed, what recourse does the Mayors' Council of Guam have to remove the vehicle?
4. Can the Mayors' Council of Guam legally request to see an up-to-date vehicle registration in homeowner's lots that have obviously been sitting there for years; and can they request to see an up to date business license for places obviously being used as car parts reseller? What is the recourse if no registration or business license exists for such operation?

Current statute on abandoned vehicles are hard to enforce, much less apply to perpetrators. First, GPD has no impound lot. Second, who places the 24-48 hour notice on vehicles when GPD removes the license plate or none exists at all. Current statute is clear that if GPD removes the license plate then GPD must have the vehicle towed or the car owner remove the vehicle to the closest storage facility. Instead, however, the vehicle is left on the roadway for others to cannibalize or destroy almost overnight. Third, who collects storage fees at the tow company lots.

A concise clear answer or opinion from your office will help us in dealing with this issue moving forward. We want to do our part but we want to do it with the law on our side.

We look forward to your timely response.

Senseramente,



ANGEL R. SABLAN

cc. All Mayors/Vice Mayors
Chief of Police
Administrator, GEPA
Director, Department of Revenue and Taxation
Special Assistant to Governor on Municipal Affairs
File/Chrono