

CHAPTER 6
Guam Public Areas and Operations

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Guam Public Market Standards for Operation

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NOTE: Rule-making authority cited for the formulation of regulations for the Guam Public Market by the Department of Commerce, 5 GCA §70401. **§6100. Authority.** The Department of Commerce pursuant to 5 GCA §70401 is charged with the responsibility of maintaining and operating a Public Market or Markets for Guam products. The section further specifies that the market must be maintained and operated at all times in a sanitary and orderly manner beneficial to producers and patrons alike and that producers and sellers desiring to use space within such market to display or sell their produce shall be levied a uniform fee based on the amount of space used and the period of such use.

In compliance with the above legal mandate and with relevant provisions of Public Law 13-40, the following standards are hereby established and are to take effect forty-five (45) calendar days after filing of these standards pursuant to Chapter 9, Title 5, Guam Code Annotated (amended by Public Law 15-132:27, July 2, 1980).

§6101. Fees. Fees for the market shall be the prevailing rate established and authorized by Article 4, Chapter 70, Title 5, Guam Code Annotated. Payment arrangement shall be as prescribed by the Public Market Manager.

§6102. Vendor/Permittee. Vendor or Permittee shall mean one who has legally acquired a business license and/or who has been authorized to do business at the Public Market.

§6103. Business License, Requirement Of. With the exception of agricultural and aquacultural vendors, every

Vendor/Permittee prior to doing business at the Public Market shall comply with relevant laws and regulations of the Department of Revenue and Taxation pertaining to business licenses. Business licenses shall be visibly displayed at all times during business operation.

§6104. Use Permit/Contract. Vendor/Permittees shall obtain a Use Permit from the office of the Manager prior to doing business at the Market. The conditions stipulated in said Use Permit and relevant provisions expressed herein shall be construed as the binding agreement or contract between the Vendor and the Public Market. Use Permits are subject to renewal annually. The Manager of the market reserves the option to refuse to renew a permit for violation by the Vendor/Permittee of provisions of these standards. Use Permits are non-transferable.

§6105. Products Authorized for Sale at the Public Market. Products authorized for sale at the Public Market shall be those falling under the definition of Guam Products as interpreted by the Attorney General of Guam in his opinion letter (GOV 79-1067) of December 6, 1979.

§6106. Public Health Regulations. Vendor/ Permittees shall comply with Public Health Regulations and with all other relevant statutes and regulations. Where applicable health permits and certificates shall be obtained by the Vendor/ Permittee before actual business operation is permitted at the Market. Health permits and certificates shall be visibly displayed at all times during business operation.

§6107. Conditions/Limitations. (a) Vendor/ Permittees shall confine their business operations to the sale of products stipulated in their Use Permits.

(b) The cost of the first 5000 KWH electricity consumed in any one billing period shall be paid by the Guam Public Market. Consumption in excess of 5000 KWH shall be prorated among Vendor/Permittees whose operation require the use of electrical apparatus. For purposes of this Rule, electrical apparatus shall mean those equipment or a combination thereof that consume an aggregate average of 40 KWH per billing period.

(c) Improvements, additions, alterations or modifications to the existing structure or facilities shall not be made unless first authorized in writing by the Manager of the Guam Public Market.

(d) All supplies, equipment, furnishings and personal property, fixed or removable, of the Vendor/Permittee

installed or place within the Market or its boundaries for the convenience of the Vendor/Permittee shall be the responsibility of the Vendor/Permittee and neither the Public Market nor its employees shall be liable for any loss, damage or displacement.

§6108. Public Market Annexes. (a) Paseo Ball Stadium. The letter of understanding by and between the Department of Commerce and the Department of Parks and Recreation places the responsibilities of maintenance, operation, coordination and administration of the Paseo Park concession area and restrooms under the Department of Commerce through its administering agent, the Guam Public Market. By authority of this letter of understanding, the provisions of this Regulation and the conditions stipulated in the Use Permit are applicable.

§6109. The Manager. The Manager is the Chief Executive Officer of the Director of Commerce for the Market. All questions pertaining to market operation, sanitation, payment, payment arrangement, complaints, disputes and administration of the various concessions shall be addressed to his office. In all cases the decision of the Manager, unless rescinded by the Director of Commerce, shall be final.

§6110. Penalty. Any vendor or permittee who willfully violates these Regulations and who has been advised twice in writing of a violation by the Manager of the Guam Public Market may lose his/her privilege to operate and may be barred from future use of the facility.