Republic of the Philippines
Province of Ilocos Norte
CITY OF BATAC

OFFICE OF THE SANGGUNIANG PANLUNGSOD

EXCERPTS FROM THE MINUTES OF THE 2ND SANGGUNIANG PANLUNGSOD OF BATAC, ILOCOS NORTE ON ITS 16TH REGULAR SESSION DULY HELD ON OCTOBER 26, 2010 AT 2:30 IN THE AFTERNOON AT THE SANGGUNIANG PANLUNGSOD SESSION HALL

Members Present:

Hon. Ronald Allan M. Nalupta	Vice Mayor/Presiding Officer
Hon. Bismark Angelo A. Quidang	Sangguniang Panlungsod Member
Hon. Eugenia Violeta Daradar-Nalupta	-do-
Hon. Medeldorf M. Gaoat	-do-
Hon. Bernardo K. Marders	-do-
Hon. Florencio P. Laud	-do-
Hon. Orlando C. Mangapit	-do-
Hon. Mary Coleen Columbia L. Cajigal	-do-
Hon. Avelard Ibarra F. Crisostomo	-do-
Hon. Elmer D. Pungtilan	-do-
Hon. Amable A. Abellon	-do-
Hon. James Paul C. Nalupta, ABC Representative	-do-
Hon. Jed Arnel V. Raquel, SK Representative	-do-

Absent:

N O N E

ORDINANCE NO. SPO 2010 - 02

AN ORDINANCE ENACTING THE ENVIRONMENT CODE OF BATAC CITY

BE IT ENACTED, by the Sangguniang Panlungsod of Batac City, Ilocos Norte, that:

CHAPTER I. GENERAL PROVISIONS

ARTICLE A. TITLE AND SCOPE

Section 1. Title. This Ordinance shall be known and referred to as the **Environment Code of Batac City.**

Section 2. **Scope**. The provisions of this Code shall cover the following areas on environment such as Environmental Administration; Land and Forest Resources Utilization, Management and Conservation; Water Resources; Air and Noise; Solid Waste Management System; Cleanliness and Beautification; and Environmental Impact Assessment System.

Section 3. Relation of Code to Prior Ordinance. The provisions of this Code, which is substantially the same as the existing ordinances relating to the same subject matter, shall be construed as restatements and continuations.

Section 4. Amendment of New Chapters, Articles and Sections. Any enactment shall refer to the chapter or section concerned. A new chapter maybe placed where it belongs appropriately. A new article or section maybe added or inserted in the proper chapter.

Section 5. **Form and Style**. The provisions of this Code preserved the original text and form in which they were originally enacted, while others have been rewritten in the process of consolidation or simply for the sake of clarity and style.

Section 6. **Reference to Code**. Whenever reference is made to any provisions of the Code, the reference applies to all its amendments and addition hereinafter made.

ARTICLE B. RULES OF CONSTRUCTION

Section 7. **Construction of the Code.** In the construction of the Code, the following rules shall be observed unless the construction will be inconsistent with the manifest intent of the Code.

a. **General Rule**. All words and phrases shall be construed and understood according to the common and approved usage of the language. Technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood to that peculiar and appropriate meaning.
b. **Gender and Number**. Every word in the Code importing the masculine gender shall extend to both male and female. Every word importing the singular number shall apply to one person, however, it may also extend to several persons and every word importing the plural number shall apply to several persons, however, it may also extend to one person.
c. **Person**. The word person shall extend and be applied to natural and juridical person such as firms, partnership and corporations or associations, unless plainly inapplicable.
d. **Tenses**. The use of any verb in the present tense shall include the future cases. ³6KDOO´ LV PDQGDWRU\ DQG ³PD\´ LV SHUPLVVLYH
e. **Reasonable Time or Notice**. In all cases where any provisions of the Code shall require any act to be done in reasonable time or reasonable notice to be given that reasonable time or notice shall mean such time only as maybe necessary for the prompt performance of that duty, or compliance with that notice.

Section 8. Conflict Between/Among Chapter or Articles. Should the provisions of the different Chapters or Articles conflict with or contravene with one another, the provisions within each Chapter shall prevail in so far as matters in each Chapter are concerned.

Section 9. **Conflict with Different Sections.** Should the conflict be within the different sections, the provisions of the Article, which is last in the ordinal sequence, shall govern.

Section 10. Existing Rights or Privileges. No existing rights or privileges enjoyed, action or proceeding commenced before the effectivity of this Code shall be adversely affected by any provisions thereof.

Section 11. Amendment and Integration of Additional Provisions. Any amendment to this Code may be introduced to the chapter, article or section concerned. All ordinances enacted, executive orders and memorandum issued by the Local Chief Executive subsequent to the date of effectivity of this Code shall be compiled in such a way as to bear the corresponding chapter, article or section to which such ordinance or executive order pertains. Such new provisions shall be integrated into the corresponding chapter, article or section whenever a new printing, reproduction and publication of this Code is undertaken upon authorization of the Sangguniang Panlungsod.

e. Promote public information and education, thereby encouraging the active participation of the people in environmental planning and monitoring; and
f. To institutionalize the Environmental Impact Assessment System as a tool for environmental planning and as a venue for public participation.

Section 16. Definition of Terms. As used in this Code, the following words and phrases shall be defined as follows:

a. Agricultural Lands ±refer to the land devoted to agricultural activity and not classified as mineral, forest and residential, commercial and industrial land.
b. Agricultural waste ±refer to waste generated from planting or harvesting of crops, trimming or pruning of plants and wastes or run-off materials from farms or fields.
c. Airborne Dust ±minute solid particles released into or carried into the atmosphere by natural forces or by any fuel burning, combustion, or process equipment or device, or by construction works, or by mechanical or industrial processes.
d. Alienable and Disposable Lands- refer to those lands of public domain that have been declared by laws as not needed for forest purposes.
e. Ambient Air Quality ±the average atmospheric purity as distinguished from discharge measurements taken at the source of pollution.
f. Biodegradable or Compostable Materials **-** anything that is capable of decaying and can be absorbed by the environment. Any material that can be reduced to finer particles by microbiological organisms or enzymes.
g. Buffer Zones ± refer to those identified areas outside the boundaries of and immediately adjacent to designated protected areas that need special development control in order to avoid or minimize harm to the protected area.
h. Compost**-** decayed organic material that can be used as soil conditioner or fertilizer.
i. Domestic Waste- is the refuse from households, which may be classified as biodegradable or non-biodegradable.
j. Ecological solid waste management ± refer to the systematic administration of activities which provide for segregation at source, segregated transportation, storage, transfer, processing, treatment and disposal of solid waste and all other waste management activities which do not harm the environment.
k. Environment- refers to the quantity, quality, diversity, and sustainability of renewable and non-renewable natural resources such as atmosphere, climate, sound and odors that are critical determinant of the quality of life. In a broad sense, it shall include the total environment of man such as economic, social, cultural, political and historic factors.
l. Environmental Impact Assessment (EIA) is the process of predicting the likely environmental consequences of implementing a project or undertaking or designing appropriate preventive, mitigating and enhancement measures.
m. Environmental Impact Statement (EIS) refers to the process of identifying, forecasting and evaluating the future state of the environment as a consequence of a particular S U R M H F W R U D F W L Y L W \ D Q G Z L W K U H I H U H Q F H W R D F R future state without the activity.
n. Environmental Compliance Certificate (ECC) refers to the authorization issued by the Department of Environment and Natural Resources, in favor of a proponent, the project of which have been reviewed, evaluated and finally approved upon consideration that the project will not bring about an unacceptable environment impact

and that proponent has complied with all the requirement of PD 1586 as well as Proclamation 246, also known as Environmental Impact Assessment System.

o. Emission ± the act of passing into the atmosphere air contaminant, pollutant, gas stream and unwanted sound from a known source.
p. Farm Lands refer to lands intended for or actually devoted to the production of food, including plantations, fishponds and other adjoining bodies of water.
q. Forest Lands include the public forest, the permanent forest or forest reserves, and forest reservations.
r. Forest Product means timber, pulpwood, firewood, bark, tree top, resin, wood, oil, honey, beeswax, rattan, or other forest growth such as grass, shrub and flowering plant, the associated water, fish, game, scenic, and recreational resources in forest lands.
s. Garbage anything that is rubbish, trash, and or coming from food waste that has the tendency to rapidly decompose and produce offensive odor.
t. Industrial Waste ±any liquid, gaseous or solid matter, other waste substance or a combination thereof resulting from any process of industry, manufacturing trade of business or from the development, processing or recovery of any natural resource which may cause or tend to cause pollution of water, air and land resource.
u. Initial Environment Examination (IEE) refers to the document required of proponents describing the environmental impact of mitigation and enhancement.
v. Slash and Burn or *Kaingin* is a portion of the forest land, whether occupied or not, which is subjected to shifting and or permanent slash-and-burn cultivation having little or no provision to prevent soil erosion.
w. Land Use refers to the manner of utilization of land, including its allocation, development and management.
x. Land Use Conversion refers to the act or process of changing the current use of a piece of agricultural or forest land into some other use.
y. License is a privilege granted to any person to utilize natural resources within any land, or establish, or operate a manufacturing plant or conduct any activity involving the utilization of natural resources covered by the license.
z. Materials Recovery Facility ±includes a solid waste transfer station or sorting station, drop-off center, a composting facility, and a recycling facility.
aa. Municipal waters include streams, lakes, rivers; and brooks within the territorial jurisdiction of the city that are not subject to private ownership.
bb. Non-Biodegradable or Non-Compostable Materials - anything that is not capable of decaying and not absorbed by the environment such as cellophane, plastics, rubber, metal and the like.
cc. Nuisance ±emanations from industrial activity or offensive trades/occupation such as excessive noise, toxic gas, fumes or noxious odors, or similar things which injure or tend to pose injury to health, endangers life, offends the sense or produces discomfort to the community.
dd. Ordinary Household Effluents ± the liquids discharged from residences, buildings, establishments, or other places, as a result of the use of water for washing or cleaning, generally non-toxic and in quantities dependent upon the number of household members and which are absorbable in subsurface soil without causing pollution beyond tolerable levels.

ARTICLE D. ADMINISTRATION OF THE CODE

Section 27. Enforcement of the Code. The City Mayor through the City Environment and Natural Resources Officer shall be responsible in enforcing the Code. The organized BCETF and Batac City Solid Waste Management Board (BCSWMB) are tasked to assist in the implementation of the Code. The City Mayor may deputize, subject to the completion of training to be conducted by the Information, Education and Communication Team, any or all of the following to enforce the provisions of the Code:

a. Philippine National Police
b. Department of Public Safety personnel
c. & L W \ (Q J L Q H H U ¶ V 2 I I L F H S H U V R Q Q H O
d. City Health Office personnel
e. Sangguniang Barangay Officials
f. Barangay Tanod
g. 0 H P E H U V R I & L Y L F 5 H O L J L R X V D Q G 1 * 2 ¶ V
h. Any citizen of legal age and a resident of the city.

Section 28. Incentives and Rewards System. There shall be instituted an incentives and rewards system that shall be afforded or given to the enforcers or implementers of this Code. The management of the penalties collected shall be subject to the following rules and regulations:

a. The city government shall pay the amount equivalent to fifty percent (50%) of the fines collected from any violation of the provisions of this Code to any of the following enforcers or implementers:
    1. Those properly authorized to enforce this Code
    2. Those deputized by proper authorities
    3. Any individual who is a permanent resident of the City who reports the violation to the proper authorities.
b. In no case shall the payment of the incentive for a single apprehension be given to more than one of the above-authorized recipients, provided that the incentive shall be given to the individual who reported the violation and not to the apprehending officer.
c. The PNP shall see to it that all information about any violation is entered in the Police Blotter in order that a record will be established as reference in the payment of this incentive to qualified recipients.

Section 29. Information, Education and Communication Team. There shall be created an Information, Education and Communication Team (IECT) who will conduct continuing environmental information, education and communication campaigns. Said campaign V K D O O H Q F R X U D J H W K H S D U W L F L S D W L R Q R I W K H S H R S O H 1 * 2 civil society organizations and other private entities in a multi-level sectoral campaign.

The City Government may avail of the use of various media such as print, radio and television, meetings, trainings, consultations and dialogues to ensure widest dissemination thereby creating full awareness and sustained participation of the people towards the successful attainment of an environment friendly City.

Section 30. Promoting the use of Recycled Materials. The City Government shall purchase office supplies and items composed of the highest percentage of recovered materials as far as practicable and subject to set standards. It shall also encourage and promote the use of recycled materials at source such as the use of discarded plastic bags, plastic glass, discarded cans, and oil containers, old and worn out tires for use as flowerpots. It shall also encourage and promote composting of biodegradable materials at source of trash, waste, or garbage.

It shall also promote and encourage to maximize the use of recycled materials (discard styropor, tetra pack containers, clean and dry papers, carton boxes, aluminum cans, plastic bags, plastic glass & bottles, discarded tin cans, broken plastic, jars, tables and PVC pipes, scrap metals, brass, copper, broken bottles and glasses, old containers, old and worn tires, etc.) to create new products from wastes or transform into useful products as decors for home and office use, construction materials (bricks, catwalk tiles, blocks and synthetic planks) and other novelty products. It shall also encourage and promote biodegradable waste materials such as garden, animal and kitchen wastes into an organic fertilizer.

Section 31. Adopt a Barangay, Street and or Park Program. All national and local government offices, government owned and controlled corporations, public and private learning institutions, business sectors, peoples organizations, non-government organizations and all interested sectors of the society are encouraged to actively participate in the vegetable production, cleaning and greening of the City through the program. To sustain this program, there must be a shared responsibility through social mobilization in recognition that environmental preservation and protection is a responsibility of every member of the society.

ARTICLE E. ENVIRONMENTAL MANAGEMENT PLANS

Section 32. Annual Investment Plan. The budget allocation for forest resources management shall be included in the City annual investment plan, which shall be in accordance with the forest resource management plan.

Section 33. Forest Resources Management Plan. The City shall formulate and adopt a Forest Resources Management Plan. The plan shall outline how the City government may promote investment, create jobs, and generate city government revenue through production, protection, and recreational forestry programs and projects.

It will likewise improve the overall physical condition of the Philippine Environment; uplift the socio-economic condition of the upland communities; conserve biodiversity, strengthen food and fiber security and stabilize the supply of water from watersheds.

Section 34. Freshwater Resources Management Plan. The city shall formulate and adopt a Freshwater Resources Management Plan. The plan shall outline how to preserve and improve the freshwater resources within the locality. It shall take into consideration issues such as illegal fishing, lack of management skill and conservation awareness, growing tourism industry and limited support services of freshwater resource management.

Section 35. Prior Consent of City Mayor and Sangguniang Panlungsod. Government Agencies and instrumentalities are hereby required to consult with the City and obtain prior

practices, appropriate extension services and information, education and communication program of the City Government.

Section 39. Soil Conservation. The City Government shall encourage and promote soil conservation, maintain soil fertility and prevent soil erosion through the following measures:

a. Implementation of cover crop planting to condition denuded areas.
b. Use of appropriate and guided farming techniques such as contour farming, contour strip cropping, green manure, cover crop, and mulch tillage, among others or a combination of any of the techniques such as sloping agricultural land technology to reduce soil erosion before attempting to control water flow.
c. Implementation of enrichment planting using fuel wood or non-timber crops in between trees of reforested areas or open spaces in order to enhance soil firmness and fertility and also to generate additional income of the people.
d. Promotion of bio-intensive technology or organic farming to ensure safe vegetables and high value commercial crops.
e. Implementation of associated rainwater management programs such as infrastructure support in the form of grouted riprap/stone masonry/gabion or the construction of creek, river and canal protection walls, which may be coupled with planting of vegetable or any plant that has the capacity to hold water.

Section 40. Conversion of Agricultural Lands. In conformity with Section 20 of the Local Government Code of 1991, not more than ten percent (10%) of agricultural lands located in the locality are authorized for reclassification and conversion to residential, institutional, commercial or industrial purpose subject to the following conditions:

a. When the land ceases to be economically sound and feasible for agricultural purposes as determined by the Department of Agriculture; or
b. Where the land shall have greater economic value for residential, institutional, commercial or industrial purposes as determined by the Sangguniang Panlungsod; or
c. Where the land is included for conversion in the Comprehensive Land Use Plan and the Zoning Ordinance of the City.

Section 41. Certification Requirement. Any person intending to convert agricultural land into residential, institutional, commercial or industrial purposes shall first secure a Certificate from the City Agriculture Office stating that the land is unproductive to agricultural crops and a certificate from the City Planning and Development Coordinator stating that the conversion of the land is in conformity with the Comprehensive Land Use Plan and the Zoning Ordinance of the City. The City Treasurer for every certification issued by the City Agriculture Office and City Planning and Development Office shall collect a certification fee of Php500.00 per hectare as per Ordinance No. 01 s. 2009, Art. K, Sec. 99, 1.1.

Section 42. **Areas Non-Negotiable for Conversion**. An application involving areas non-negotiable for conversion shall not be given due course even when some portions thereof are eligible for conversion. The following areas shall not be subject to conversion:

a. All irrigated lands, delineated by the Department of Agriculture (DA) and or the National Irrigation Administration (NIA) where water is available to support rice and

other crop production, and all irrigated lands where water is not available for rice and other crop production but are within areas programmed for irrigation facility rehabilitation by the DA or NIA;

b. All irrigable lands already covered by irrigation projects with firm funding commitment as delineated by the DA and NIA; and
c. All agricultural lands with irrigation facilities.

Section 43. **Areas Highly Restricted From Conversion**. The following areas are classified as highly restricted from conversion:

a. Irrigable lands covered by irrigation projects with firm funding commitments;
b. Highlands or areas located in elevation of 500 meters or above and which have the potential for growing semi-temperate or high value crops.
c. Lands issued a Notice of Acquisition /Valuation under the Agrarian Reform Program or subject of a perfected agreement between the landowner and beneficiaries under Voluntary Land Transfer or Direct Payment Scheme;
d. Areas located in Environmentally Critical Areas (ECAs) as determined by the DENR;
e. Areas identified by the City Government for socialized housing.
f. Agriculture and Fisheries Development Zone (SAFDZ) ±areas within the Network of Protected Areas of Agricultural and Agro-industrial Development (NPAAD) identified for production, agro processing and marketing activities to help develop and modernize, either the support of the government and the agriculture. (SB Resolution No. 74 s. 1999 ±Adoption of SAFDZ in the Municipality of Batac)

Section 44. **Unlawful Use of Highways, Roads and Streets and Sidewalks.** The following acts concerning the illegal use and utilization of highways, roads and streets are hereby prohibited:

a. Using part of the highway, street or road as an extension of repair shops and services, car washing shops and all other business establishments;
b. Drying palay, corn, mongo and other products along the legal width of the highway, street or road;
c. Constructing/ installing structures such as road humps, billboards or any structure that tends to impede or pose hazards to passing vehicles or when such structure encroach on any portion of the legal width of the highway, street or road provided however, that the construction of road humps shall be authorized by the City Mayor in accordance with the specifications defined in Municipal Ordinance No. 09, s. 1993;
d. Using part of the highway, street or road as piling area for construction materials such as gravel, sand, stones, wood, etc for a period more than is necessary to relocate said materials inside the property under construction. This includes using part of the legal width of the street to mix concrete; and
e. Using sidewalks/sideways for commercial purposes or extension of business establishments.

Section 45. **Penalty**. Any violation of the provisions of this Article shall be penalized by a fine of not less than Php1,000.00 but not more than Php5,000.00 or imprisonment of not less than one month but not more than one (1) year, or both in the discretion of the Court.

ARTICLE D. OPERATION OF BUSINESS ON PETROLEUM PRODUCTS

Section 61. Operation of Gasoline Stations. All gasoline stations located in the City shall undertake the following precautionary measures:

a. Ensure that their underground storage tanks are always in good condition by undertaking periodic maintenance and monitoring of fugitive effluents;
b. Ensure their facilities from fire and explosion by installing appropriate signage for the general public and by attaching proper gadgets and devices to prevent gaseous or fume emissions;
c. Provide adequate drainage system for liquid run-off;
d. Shrubs and or trees should be planted around the stations; and
e. Retailing liquid petroleum products in the following manner is not allowed:
    1. in containers like bote-bote, gallons and the like
    2. use of above-ground tanks
    3. use of mobile tankers, portable tanks and other vehicles

Section 62. **Disposal of Gasoline Station Wastes.** All gasoline stations are required to provide their own waste treatment and disposal system to safeguard public health and safety and prevent environmental damage and unnecessary loss of valuable resources. In particular, gasoline stations shall be required to have oil-water separation facilities.

Section 63. Calibration and Sealing of Dispensing Pumps. The City through the City 7 U H D V X U H U ¶ V 2 I I L F H V K D O O F R Q G X F W W K H F D O L E U D W L R Q D Z L W K R X W Q H H G R I U H W D L O H U ¶ V L H T X L H V W & H U W L I L F D W H V &RPSHQVDWLRQ and calibration fees shall be charged.

Section 64. Penalty. Any violation of the provisions of this Article shall be penalized by a fine of not less than Php1,000.00 but not more than Php5,000.00 or imprisonment of not less than one month but not more than one (1) year, or both in the discretion of the Court.

Within seventy two (72) hours from the time of apprehension, the offender may opt to volunteer and participate in the Voluntary Community Service scheme pursuant to Section 169 of this Code.

ARTICLE E. FOREST RESOURCES

Section 65. Statement of Policy. It is hereby declared a policy of the City Government to ensure sustainable existence of adequate forest and forest resources for the use, utilization, and enjoyment of the people through local government-driven, inter-agency and multi-sectoral forest resources management planning and implementation.

Section 66. Protection of all Resources. All measures shall be taken to protect the forest resources from destruction, impairment and depletion.

Section 67. **Urban Forests, Greenbelt Areas and Open Spaces**. The City Government shall promote the establishment, protection and maintenance of tree parks, urban forests,

greenbelts and revenue generating community based forest recreation projects such as, but not limited to forest parks, botanical gardens and camping grounds.

Section 68. **Reforestation**. Tree planting and reforestation shall be a continuous activity of the people of the City. The following shall be the priority areas for tree planting:

a. Along national, provincial, city and barangay roads.
b. Within twenty five (25) meters of either side of any body of water.
c. Areas with historical value.
d. Erosion prone areas.
e. Watersheds such as the banks of Quiaoit and Garasgas rivers, the banks of Danao, Nagcalaoan, Sarnap, and Billoca lakes and around all small water impounding projects.
f. All open spaces, especially along borders of residential and commercial areas, including promenades, parking area environs, and sidewalks.

Section 69. Incentives for the Development of Forests. The Sangguniang Panlungsod may enact ordinances and appropriate funds for the purpose of providing incentives such as but not limited to tax rebates, tax holidays, cash awards, free seedlings and seeds, soft loans and training for the purpose of promoting private investments in the development of commercial forest based enterprises.

Section 70. Development of Recreation Forests. The City Government shall assist any investor in the establishment of revenue generating community-based forest recreation projects such as forest parks, botanical gardens, camping grounds, etc.

Section 71. Acts Prohibited and Punishable. Acts prohibited and punishable under this Chapter shall include, but not limited to the following:

a. Indiscriminate cutting of trees and minor forest products in both private and public lands; provided however, that trees causing danger to human beings, properties and other developmental activities shall be exempted from this provision**. (Batac Ord 1993-05)**
b. The use of unregistered or unlicensed power chainsaws and similar tree felling equipment unless a valid license and permit for the use thereof by the City Government has been obtained.
c. Hunting, destroying, or mere possession of any plant, animal or other forest product both living and non-living and other species considered endangered or threatened pursuant to existing laws, rules or regulations.
d. The use of unregistered and unlicensed hunting paraphernalia such as guns, air guns, shotguns and the like, unless a current and valid permit for the use thereof is issued by the proper authority and subject to prior clearance and permit by the City Mayor.
e. The gathering and transporting of flora and fauna, unless the City Mayor and the DENR have issued a current and valid permit for the traffic thereof.
f. Nailing billboards, advertisement, campaign materials and such other paraphernalia to trees.
g. Cutting of bamboo shoots for use as food or for sale. **(Batac Ord 2007-12)**

ARTICLE H. REGULATING THE OWNERSHIP AND USE OF CHAINSAWS
Batac Ord 1990-05/amended

Section 83. Registration of Chainsaws. All owners of chainsaws and other tree felling equipments are required to register their equipment/tools and secure a permit to operate such from the City Government in coordination with the DENR.

Section 84. Administrative Provision. Only persons or entities with existing timber license or production sharing agreement, orchard and fruit tree farmers, industrial farmers and licensed wood processors shall be granted permit, provided finally, that the provisions of RA 9175 otherwise known as Chainsaw Act, is adopted in this Article.

Section 85. Penalty. Actual use or operation, unlicensed sale, purchase, resale or possession of unregistered chainsaw shall be penalized by a fine of not more than Php5,000.00, or imprisonment of not more than one (1) year, or both in the discretion of the Court.

ARTICLE I. CLEANLINESS AND BEAUTIFICATION

Section 86. Responsibility. It shall be the responsibility of Barangay Officials headed by the Barangay Chairman to implement the following six (6) sections in their respective barangays.

Section 87. Cleaning and Greening of Private Lots. It shall be the duty of every household, landowner or tenant to do the cleaning and greening of his lots.

Section 88. Cleanliness of Premises. All barangays are mandated to conduct general cleaning and beautification activities in their respective areas at least twice a month. All family heads or any members of the family are obliged to attend such activity.

Section 89. Conduct of Cleaning and Beautification Activities. All family heads or any member of the family is hereby required to conduct twice a month general cleaning and beautification activities in their respective barangays.

Section 90. Cleaning and Greening of Street Shoulders and Pathways. The cleaning and greening of street shoulders and pathways shall be a continuing activity of the people of the City, spearheaded by City and Barangay officials and civil society organizations. All roads and pathways shall be planted with forest/fruit trees/ ornamental trees or ornamental plants that are agriculturally acceptable and at intervals sufficient to provide the healthy growth of such flora.

Section 91. Cleanliness and Maintenance of Vacant Lots. Owners of vacant or idle lots in the urban areas are required to keep their lots clean to protect them from becoming breeding places of mosquitoes, flies, mice, rats, snakes and other scavengers which are dangerous to public health and safety. In case of failure or inability of the owner to comply with this provision, the city or barangay government shall undertake the cleaning at the expense of the owner. The barangay government may utilize the land for its food and vegetable production program. **(Batac Ord 2006-04/amended)**

Section 92. Squatting. It is hereby prohibited to squat, install or construct shanties on vacant public or private lots for purposes of dwelling whether temporary or for an indefinite period of time. Any violation of this provision shall be sufficient grounds for the outright ejection of occupants and the immediate dismantling and or demolition of the illegal shanty. Barangay officials are tasked to implement this section in their respective barangays.

Section 93. **Vandalism.** It is hereby prohibited for any person to deface, destroy or mutilate any public or private buildings, edifices, or part thereof such as walls, facades, fences, floors, pavements, or other parts liable to be defaced or mutilated by means of writing, painting or other similar techniques. **(Batac Ord 1993-07/amended)**

Section 94. Anti-Littering. Maintenance of cleanliness and sanitation is the primordial concern of the City. It shall be unlawful for any person to:

a. Litter on streets, scenic spots, rivers, tourist areas, irrigation canals, ditches, parks, plazas, playgrounds, markets and slaughterhouse, city and government buildings and all public and private places; **(Batac Ord 1994-12/1988-08)**
b. Urinate or dispose of human waste on the above named places;
c. Throw cigarette butts, candy wrappers and all kinds of wrappers, chewing of bubble gums and the like;
d. Spit phlegm or saliva in public places;
e. Pile and or burn garbage or wastes along the roads;
f. Anti Littering ±cause to flow excess water from wells, pumps, bathroom, kitchen, laundry, car washings and the like on roads and highways;
g. Dump/burn agricultural wastes such as rice straws, rice husks, golden snails and other waste materials along the roads and shoulders**.**

Section 95. Stray Animals. No stray animals shall be allowed to roam within Batac City. Animals found straying will be seized and impounded at the City Pound.

Section 96. Tether of Animals. It is strictly prohibited to tether any domestic animal to graze or for whatever purpose along, and within the legal width of any street, road or highway.

Section 97. Penalty. Any violation of the provisions of this Article shall be penalized by a fine of not less than Php1,000.00 but not more than Php5,000.00 or imprisonment of not less than one month but not more than one (1) year, or both in the discretion of the Court.

Within seventy two (72) hours from the time of apprehension, the offender may opt to volunteer and participate in the Voluntary Community Service scheme pursuant to Section 169 of this Code.

CHAPTER IV. WATER RESOURCES

ARTICLE A. WATER RESOURCES UTILIZATION

Section 98. **Statement of Policy.** It is hereby declared a policy of the City Government to promote the sustainability of all city waters in order to meet indefinitely potable water

requirements of the people and for sustainable agricultural production. Water resources shall be equitably shared and that no barangay shall be deprived of safe and clean water.

Section 99. **Inventory and Classification of Water Resources**. The City government in close coordination with the Department of Environment and Natural Resources (DENR) shall conduct an inventory and classification of water resources within the jurisdiction of the City that shall be the basis for the issuance of water utilization permits or licenses. The inventory shall include rivers, brooks, streams, lakes, creeks, lagoons, wells, springs, irrigation dams, small water impounding dams and canals, and all other surface water flowing over lands. The classification may be for domestic consumption, city uses, irrigation, power generation, fisheries, livestock raising, recreational uses, and for other beneficial purposes.

Section 100. Main Water Arteries. Main water arteries shall be free from any construction or obstruction to allow the free flow of water and lessen pollution and may be made a sanctuary of fish.

Section 101. Protection of Watershed Areas. Watersheds areas such as the banks of Quiaoit and Garasgas rivers, the banks of Danao, Nagcalaoan, Sarnap, and Billoca lakes and around all small water impounding projects shall be strictly protected from deforestation, pollution and encroachment of other non-compatible land uses. Any person is prohibited to appropriate for himself any portion of all the inland lakes or ponds located in the locality. **(Batac Ord 1974-04)**

Section 102. Recreation Waters.

a. It is hereby required for every person to use life vest while swimming, bathing, frolicking or while submerged in any body of water deeper than the height of the subject person. **(Batac Ord 2009-14)**
b. Only the operators of water craft with a permit issued by the City Mayor are authorized to ferry passengers in any body of water, provided, that the operator cum-life saver as certified by the Philippine Red Cross (PRC) or any competent agency shall equip his water craft with as many life vests, to include tire tubes, as there as passengers. **(Batac Ord 2009-16)**

Section 103. Penalty. Any violation of the provisions of the immediately preceding section shall be penalized by a fine of Php300.00 which shall accrue to the general fund of the Sangguniang Barangay concerned. **(Batac Ord 2009-14 and 16)**

ARTICLE B. CONSERVATION OF WATER RESOURCES

Section 104. Construction and Operation of Fish Traps, Fish Pens and Fish Cages. It shall be unlawful to construct and operate fish traps, fish pens and fish cages without a license and permit from the city government.

Section 105. Acts Prohibited and Punishable. Acts prohibited and punishable under this Article shall include but not limited to the following:

a. Catching fish in any waters by means of dynamite and other blasting apparatus or gadgets; **(Batac Ord 1958-02)**
b. Catching fish in any waters by means of any electrical apparatus or gadgets;
c. Catching fish in any waters by means of cyanide, insecticides, pesticides and other obnoxious substances; **(Batac Ord 1958-02)**
d. Catching fish in any waters by means of fishing gears /fine mesh nets which permit the capture of fries, fingerlings/juveniles; **(Batac Ord 1989-12)**
e. Gather, possess, sell or any manner dispose of, any fish or fishery species which have been illegally caught; and
f. Mere possession of explosive, noxious substances or electro fishing devices;

Section 106. Penalty. Any violation of the provisions of this Article shall be penalized by a fine of not less than Php5,000.00 without prejudice to the offenders liability for penalty under R.A. 8550 otherwise known as The Philippine Fisheries Code of 1998.

ARTICLE C. PREVENTION OF WATER POLLUTION

Section 107. **Conservation of Inland Waters**. The city government is committed to conserve inland waters for beneficial and sustainable use. Everybody are enjoined to follow the following guidelines:

a. No person shall develop a river, stream, brook, or pond for recreational or commercial purposes without first securing a permit from the City Mayor. The requirements for an Environmental Compliance Certificate (ECC) issued by the DENR shall be strictly followed;
b. No person shall raise or lower, cause the raising or lowering of the water level of a river, stream, brook or pond, nor drain the same without the necessary government permit and ECC issued by the DENR;
c. No person shall impound water in large volume that prejudice downstream users;
d. No person shall dump into rivers and waterways sediments from quarrying operation as well as farm waters carrying pesticide/ insecticide residues;
e. The construction of houses and other physical structures within the banks of rivers, streams, brooks or ponds shall be governed by the zoning ordinance and other laws.
f. No person shall construct or set up any structure, temporary or otherwise, that would destroy the scenic and aesthetic value of natural waterways or result to the disruption of water flow that are detrimental to the over-all ecological balance; and
g. The city government reserves the right to construct and employ water-impounding projects. Permit to construct such water-impounding project needs a permit from the office of the City Mayor in consultation with the National Irrigation Administration.

Section 108. **Prevention of Pollution in Inland Waters.** Rivers, streams, brooks and pond pollution are usually caused by sewage disposal from human settlements, deforestation, contaminated irrigation water and nutrient off-loading from land based livestock and intensive farming areas. The following activities are hereby prohibited;

a. Disposing contaminated irrigation water into waterways.
b. Toxic waste producing activities near rivers, brooks, streams and ponds.

ARTICLE C. SMOKING BAN
(Batac Ord 1996-10/ amended)

Section 121. Statement of Policy. It is hereby declared a policy of the city government to exert continued protection of the rights of non-smokers to inhale cigar or cigarette-free air inside public buildings, enclosed public places, public vehicles and or public transport vehicles.

Section 122. Definition of Terms.

a. **Enclosed Area ±** shall mean a place confined, contained, encircled, fenced, limited, restricted, shut in, surrounded and walled area or place.
b. **Public Buildings** ± shall refer to any structure, office or building owned and or controlled by the national, provincial, city, or barangay governments or any agency or entity used or utilized for public purposes.
c. **Public Utility Vehicles ±** shall refer to any motorized vehicle used in transporting passengers from one place to another for a fee.
d. **Public Vehicles -** shall mean any motorized vehicle owned and or controlled by the national, provincial, city, or barangay governments or any agency or entity.
e. **Smoking ±** emitting fumes as from cigarettes, cigar and tobaccos.

Section 123. No Smoking. It shall be unlawful for any person to smoke cigar or cigarettes in the following places:

f. All government buildings and offices, hospitals, medical, dental, optical clinics and dispensaries, public and private market including its premises;
g. Parks, plazas, market, barangay halls, and playgrounds;
c. Public and private school classrooms and its premises including public libraries and public restrooms;
f. Inside any public utility conveyance, air conditioned or not; and
g. Inside movie houses, air-conditioned private buildings, shops, commercial centers.

Provided, further that owners, occupants and administrators of such areas shall cause WR EH SRVWHG D ³12 602.,1*´ ¥ol 1Q DRpliaWe of the QuRUPDW ILQDOO\ WKDW D ³6PRNLQJ $UHD´ HTXLSSHG ZLWK SURSHU Y shall be clearly designated for smokers.

Section 124. Penalty. Any violation of the provisions of this Article shall be penalized by a fine of not less than Php500.00 but not more than Php2,500.00 or imprisonment of not less than seven (7) days but not more than two (2) months, or both in the discretion of the Court.

Within seventy two (72) hours from the time of apprehension, the offender may opt to volunteer and participate in the Voluntary Community Service scheme pursuant to Section 169 of this Code.

Organizations of all Private and Public High Schools
Representative from the Vendors
5 H S U H V H Q W D W L Y H I U R P 1 * 2 ¶ V

7 K H F R P P L W W H H V K D O O D S S R L Q W W K H U H S U H V H Q W D W L Y H committee shall meet every first Friday of the month and shall submit its report to the City Mayor on or before the second Friday of the month.

Section 131. Information Dissemination. The City Information Office is tasked to undertake massive information dissemination about the continuous implementation of the smoking ban to minors.

ARTICLE E. NOISE POLLUTION MANAGEMENT

Section 132. Zoning Clearances and Building Permits. The city government shall evaluate the noise generating potential of infrastructure projects as part of the processing of zoning clearances and building permits.

Section 133. **Noise Reduction.** To protect the general welfare and public health against nuisance caused by excessive noise, the following measures are hereby implemented:

a. All noise and vibration producing machinery shall be enclosed by sound proof building and shall be provided with effective noise-absorbing materials, noise silencer and mufflers or adjoin property planted to dense trees as buffers;
b. Building construction, digging equipment, stationary engines, factories are prohibited to create unnecessary noise which would result in ambient noise level higher than the ambient standards;
c. 5 H V W D X U D Q W V S X E K R X V H V N D U D R N H ¶ V Y L G H R P D F K create unnecessary noise perceptible from a distance of up to twenty (20) meters and which is higher than the ambient standards**;(Batac Ord 2009-11)**
d. All vehicle owners are required to install mufflers and silencers to their vehicles. **(Batac Ord 2008-19)**

Section 134. **Acts Prohibited and Punishable**. Acts prohibited and punishable under this Article shall include but not limited to the following:

a. Cause or permit the creation of any unnecessary noise through the use of any device on any street adjacent to any public buildings, private dwellings, schools, hospitals and court of justice;
b. Wanton firing of guns and other noise creating gadgets;
d. Creating any kind of alarming noise especially early morning, evening and unholy hours; and
e. Very loud playing of musical instruments and playing with toys that create very loud noise.

Section 135. Glare and Heat. Glare and heat from any operation or activity will not be allowed to be radiated, seen or felt from any point beyond the limit of the property.

Section 136. **Penalty.** Any violation of the provisions of this Article shall be penalized by a fine of not less than Php1,000.00 but not more than Php5,000.00 or imprisonment of not less than one (1) month but not more than one (1) year or both in the discretion of the Court.

ARTICLE F. QUIET ZONES
(Batac Ord 2009-18)

Section 137. Regulated Act. The blowing of horns, loud music from stereo and or radio from all sources and loud sound of mufflers of all types of motor vehicles are strictly prohibited within a 50-meter radius from the following quiet zones:

a. Educational Institutions ±from 7:00 A.M. to 6:00 P.M., Mondays to Fridays.
b. All national and local government offices ±from 8:00 A.M. to 5:00 P.M., Mondays to Fridays.
c. Residential Areas ±Everyday from 9:00 P.M. to 6:00 A.M.
d. Public and Private Hospitals and Clinics ±24 hours of every day
e. Churches and all place of worship ±during celebration of mass or any other religious activity.

Section 138. Exemptions. The following may be exempted from the preceding provision:

a. The driver of an ambulance on the way to and from the place of accident or other emergencies;
b. Any driver bringing a wounded or sick person for emergency treatment to a hospital or clinic;
c. Law enforcement officers who are trying to overtake traffic law violators; and
d. Drivers of fire department vehicles when responding to fire emergencies.

Section 139. Penalty. Any violation of the provisions of this Article shall be penalized by a fine of not less than Php500.00 but not more than Php1,000.00 or imprisonment of not less than ten (10) days but not more than fifteen (15) days or both in the discretion of the Court.

CHAPTER VI. COMPREHENSIVE SOLID WASTE MANAGEMENT

ARTICLE A. BATAC CITY SOLID WASTE MANAGEMENT BOARD
(Batac Ord 2005-17)

Section 140. Organization of the Batac City Solid Waste Management Board. Pursuant to Section 12 of R.A. 9003, otherwise known as the Philippine Ecological Solid Waste Management Act of 2000, the Batac City Solid Waste Management Board (BCSWMB) shall be established and strengthened which shall prepare, submit and implement a plan for the safe and sanitary management of solid waste generated within the City.

i. Adopt specific revenue generating measures to promote the viability of the Batac City Solid Waste Management Plan;
j. Oversee the implementation of the Batac City Solid Waste Management Plan;
k. Provide the necessary logistical and operational support to the component barangays;
l. Coordinate the efforts of its component barangays in the implementation of the Batac City Solid Waste Management Plan; and
m. Call on any concerned agency or sector, as it may deem necessary for support or other appropriate action.

Section 143. Technical Working Committee. A Technical Working Committee is hereby created to be composed of the following:

Chairperson -	Chair, SP Committee on Environment
Members -	City Planning and Development Office
	City Engineering Office
	City Health Office (Sanitation Division)

The Technical Working Committee shall meet from time to time and recommend programs, projects, strategies and other activities for the approval of the Board.

ARTICLE B. MATERIALS RECOVERY FACILITY

Section 144. Establishment of the City Materials Recovery Facility. There shall be established the City Materials Recovery Facility (CMRF) that shall receive, sort, process and store compostable and recyclable materials efficiently and in an environmentally sound manner.

Section 145. Establishment of Barangay Materials Recovery Facility. There shall be established and maintained a Materials Recovery Facility (MRF) in every barangay or cluster of barangays not later than January 1, 2011. The facility shall be established in a barangay owned or leased land or any suitable space to be determined by the Sangguniang Barangay. The MRF shall receive mixed waste for final sorting, segregation, composting and recycling. The resulting residual wastes shall be transferred to a long-term storage or disposal facility or sanitary landfill.

Section 146. Guidelines for the Establishment of MRF. The determination of site and actual establishment of the MRF shall be subject to the following guidelines:

a. The building and/or land lay out and equipment must be designed to accommodate efficient and safe materials processing, movement, and storage; and
b. The building must be designed to allow efficient and safe external access and to accommodate internal flow.

ARTICLE C. SEGREGATION OF WASTES

Section 147. Mandatory Segregation of Solid Wastes. The City Government shall evaluate alternative roles for the public and private sectors in providing collection services, type of collection system, or combination of systems, that best meet their needs: provided, that segregation of wastes shall primarily be conducted at the source, to include household,

institutional, industrial, commercial, and agricultural sources: provided, finally, that wastes shall be segregated into the categories provided for in the next Section.

For premises containing six (6) or more residential units, the City Government shall promulgate regulations requiring the owner or person in charge of such premises to:

a. Provide for the residents a designated area and containers in which to accumulate source separated recyclables materials to be collected by the City; and
b. Notify the occupants of such buildings of the requirements of this Code and the regulations promulgated.

Section 148. **Requirements for the Segregation and Storage of Solid Waste.** The following shall be done at site or place where wastes are generated:

a. There shall be a separate container for each type of waste from household level and all other sources, provided, that in the case of bulky waste, it will suffice that the same be collected and placed in a separate and designated area;
b. Generated solid waste shall be segregated into compostable, recyclable, non-recyclable or special waste. Appropriate containers for each type of waste shall be used to facilitate handling, storage, collection and disposal;
c. The environs of residential houses, institutions, commercial establishments, stalls and open spaces of the market shall be kept clean and sanitary at all times; and
d. Farmers shall compost agricultural wastes like rice husks, straws, leaves, animal manure, etc.

Section 149. **Waste Processing and Recovery**. Everybody shall observe the following rules:

a. Segregated recyclables shall be properly stored before collection. Recyclable wastes shall be collected separately and brought to recycling or junk shops;
b. Food and kitchen refuse shall be used as animal fodder. Those portions not suitable for fodder shall be composted;
c. Dumping and burning of solid wastes shall be prohibited; and
d. Agricultural waste shall be stockpiled and composted in an appropriate location.

Section 150. Penalty. Any violation of the provisions of this Article shall be penalized by a fine of not less than Php1,000.00 but not more than Php2,500.00 or imprisonment of not less than one (1) month but not more than six (6) months, or both in the discretion of the Court.

ARTICLE D. COLLECTION AND TRANSPORT OF SOLID WASTE

Section 151. Requirements for the Collection of Solid Wastes. The following shall be the rules, minimum standards and requirements for the collection of solid waste:

a. All collectors and other personnel directly dealing with collection of solid waste shall be equipped with personal equipment to protect them from the hazards of handling solid wastes;

Section 160. Coverage of the EIA System. A program or project needs to acquire an Environmental Compliance Certificate if it is either:

a. An environmentally critical project that will most likely have high risk or negative environment output such as:

   1. Infrastructure projects- major dams, major roads and bridges, power plants, reclamation projects.
   2. Resource extracting industries- quarrying projects, forest projects (wood processing, forest occupancy, grazing), fishery project (dikes and fishpond development projects)

b. A project in an Environmentally Critical Area which is ecologically, socially or geologically sensitive such as:

   1. Areas set aside as potential tourist spots.
   2. Areas of unique historic, archaeological or scientific interests;
   3. Areas frequently hit by natural calamities (geologic hazards, floods, typhoons, etc).
   4. Areas with critical slopes.
   5. Areas classified as prime agricultural lands.
   6. Water bodies which are used for domestic supply, or support fisheries and wildlife.
   7. Memorial parks/gardens

Section 161. Authority to do EIA. Only DENR accredited individuals, offices or organizations are allowed to do Environmental Impact Assessment (EIA) and prepare or write Environmental Impact Statement (EIS) or Initial Environmental Examination (IEE), ensuring that only qualified, competent and credible persons will conduct and integrate the studies required in the EIS or IEE.

Section 162. **Environmental Impact Reports.** Proponents covered by the EIA may first conduct a preliminary assessment that is the Initial Environment Examination (IEE) and submit said IEE findings to DENR. On the basis of the IEE report, the DENR may already issue an ECC. However, after evaluating the findings contained in the IEE report, DENR may require the proponent to conduct a full EIA, specifying which issues the EIA should resolve.

Section 163. **Review Committee.** The DENR Regional Environmental Management Bureau (EMB) shall be in charge of reviewing the IEE or IES to ascertain if it has provided sufficient, appropriate and accurate information for the project and its impact. The review will also look into whether the Environmental Management Plan sufficiently responds to the foreseen negative impact or risks.

Section 164. Environmental Compliance Certificate and Certificate of Non-Coverage. As part of the environmental permitting system, an Environmental Compliance Certificate (ECC) or Certificate of Non-Coverage (CNC) shall be issued by the DENR only after evaluation of the environmental impact report within reasonable time. Programs and projects covered under the EIA system shall not be implemented without first securing an ECC. The DENR may seek the assistance of other government agencies and concerned sectors to help evaluate environment impact reports.

Section 165. **Administrative Provisions.** The implementation of the provisions of this Chapter shall be a coordinated function of the city government and DENR.

Section 166. Penalty. Any project or program that shall operate without the required ECC shall face closure, suspension of development or cessation of operations until such time that proper environmental safeguards are put in place and the necessary ECC has been issued. In addition, the project proponent shall be fined an amount not exceeding Php1,000,000.00 depending on the magnitude of the environmental risks, at the discretion of the Environment Adjudication Commission (EAC).

Any project proponent found violating the conditionalities stipulated in the ECC shall be fined P50,000.00 pesos for every violation.

CHAPTER VIII. FINAL PROVISIONS

Section 167. General Penal Provisions. Any violation of the provisions of this Code not herein otherwise covered by a specific penalty shall be penalized by a fine not exceeding Php5,000.00 or imprisonment of not more than one (1) year, or both in the discretion of the court. If the violation is committed by any juridical entity, the President, General Manager or any person entrusted with the administration thereof at the time of the commission of the violation shall be held responsible or liable thereof.

Section 168. Compromise Settlement Fee. The City Mayor is hereby authorized to H Q W H U L Q W H U W L O H P H Q W L Q W H U Q D O F R P P L W W H H Q H W of any offense involving violations of any provisions of this Code, subject however, to the following conditions:

a. That the offense does not involve fraud;
b. That the offender shall pay a compromise settlement fee of not less than Php1,000.00 but not more than Php5,000.00, as may be agreed upon by both parties; and
c. That the payment of the compromise settlement fee shall not relieve the offender from the payment of any tax, fee or charge due from him as provided under this Code.

Section 169. Voluntary Community Service. Within 72 hours from the time of apprehension, the offender may opt to volunteer and participate in the Voluntary Community Service (VCS) program of the city. The VCS shall be guided by the following rules and regulations:

a. It shall respect human rights and the activities shall be designed to teach values such as responsibility towards the community, among others;
b. The activities shall not be demeaning to the volunteers and they shall not be made to wear anything that would mark them as offender;
c. The activities shall take into consideration the expertise of volunteers;
d. The activities where volunteers can participate may be in social services, values formation, environmental management, gender and development, peace and order, health services and such other priority services of the city;
e. The VCS may make provisions for minors who may be required or may also volunteer to render community service;