



Excerpt from the minutes of the Regular Session of the Sangguniang Panlungsod (SP) of the City of Naga, Cebu held on May 16, 2018 at the SP Session Hall, Legislative Building, City of Naga, Cebu.

Present:

- HON. OTHELLO M. CHIONG
- HON. ALEXANDER R. LARA
- HON. VIRGILIO M. CHIONG
- HON. AURELIO B. ALINSONORIN
- HON. AFSHIN MARK K. SEÑOR
- HON. CARMELINO N. CRUZ, JR.
- HON. PABLO A. ABANGAN
- HON. LUZMINDA R. LAPITAN
- HON. PORFERIO V. RESABA, JR.
- HON. JUSTINO L. DAKAY

On Leave:

- HON. DELFIN R. SEÑOR
- HON. RODRIGO A. NAVARRO

- Vice Mayor/Presiding Officer
- Sangguniang Panlungsod Member
- Sangguniang Panlungsod Member
- Sangguniang Panlungsod Member
- Sangguniang Panlungsod Member
- Sangguniang Panlungsod Member
- Sangguniang Panlungsod Member
- Sangguniang Panlungsod Member
- Sangguniang Panlungsod Member
- ABC President

- Sangguniang Panlungsod Member
- Sangguniang Panlungsod Member



ORDINANCE NO. 2018-004

Hon. Virgilio M. Chiong - Sponsor

SP Committee Chairman on Environment and Natural Resources

EXPLANATORY NOTE

The Liga ng Barangay has voiced out the concerns of the people of the City of Naga, Cebu about hauling trucks coming from quarry and construction sites, garage, stockyards, business establishments, manufacturing plants and other similar settings, and passing through the public road with tires full of mud or sludge, making the road slippery and messy to the inconvenience of the commuting public.

This thick sludge or mud becomes dusty as this is left to dry up during sunny days to the detriment of the health condition of local residents especially those living along the highway and barangay roads and posing serious risks to pedestrians and motorists.

Section 16 of the R.A. 7160, otherwise known as the Local Government Code of 1991, confers upon the local government units the authority to exercise powers necessary, appropriate or incidental of efficient and effective governance, and those which are essential to the promotion of the general welfare.

Thus, the Sangguniang Panlungsod of the City of Naga, Cebu sees the need to expedite its efforts to preserve the environment, maintain the city's cleanliness, promote health and safety of the residents and preserve the comfort and convenience of the constituents.

BE IT ORDAINED, as it is hereby ORDAINED by the Sangguniang Panlungsod of the City of Naga Cebu, in a session assembled, that:

SECTION 1. TITLE. This Ordinance shall be known as "AN ORDINANCE REQUIRING ALL QUARRY OPERATORS TO CLEAN THE TIRES OF THEIR HAULING TRUCKS BEFORE PASSING THROUGH THE NATIONAL HIGHWAY AND BARANGAY ROADS WITHIN THE JURISDICTION OF THE CITY OF NAGA, CEBU.

SECTION 2. DEFINITION OF TERM. As used in this Ordinance, the following terms shall mean as follows:

- a. Public Road - any road or street within the jurisdiction of the City of Naga, Cebu, established and maintained by the government and open to public travel.

- b. Truck – refers to a large, heavy motor vehicle used for transporting goods, materials, or troops. For the purpose of this ordinance, this should limit from six-wheeled vehicle and above.
- c. Mud – a slimy, sticky mixture of soft, wet earth, sand or dirt.
- d. Dirt - refers to a substance such as mud or dust that soils a person or an object.

SECTION 3. PROHIBITED ACTS

- a. It shall be unlawful for vehicle operators/owners or drivers of trucks and other heavy equipment, to scatter, spill or leave mud or sludge, dirt, sand, gravel, rocks or any other debris or material upon any street, road, highway or any portion thereof within the jurisdiction of the City of Naga, Cebu.
- b. It shall be unlawful for any truck operators/owners or drivers to allow their trucks or any other heavy equipment leave the premises of the quarry or construction sites, garage, stockyards, business establishments, manufacturing plants and other similar settings, without cleaning or removing the mud, sludge, dirt sticking to tires or wheels.

SECTION 4. IMPOSITION.

- c. Operators/permittees/management of quarry sites, construction developers/owners, garage, stockyards, business establishments, manufacturing plants and other similar settings are required to remove mud, dirt or any debris sticking to vehicles' tires before leaving the construction or worksites.
- d. Operators/permittees/owners/management of quarry sites, construction developers/owners, garage, stockyards, business establishments, manufacturing plants and other similar settings are required to install a washery or washing facilities at the entrance/exit of their worksites for use in the cleaning of tires.

SECTION 5. IMPLEMENTATION AND MONITORING. All police officers and traffic enforcers assigned in the City of Naga, Cebu, including tanods are herein authorized to:

- a. Monitor compliance of the provisions of this Ordinance bearing in mind the safety of motorists, riding public and pedestrian at all times;
- b. Conduct random inspection and related functions to achieve the purpose of this ordinance; and
- c. Apprehend violators and recommend imposition of penalties/sanctions to erring drivers and operators as provided for in this Ordinance.

SECTION 6. PENALTY.

- a. Violators of this Ordinance shall pay the fine of One Thousand Pesos (P1,000.00) aside from the obligation of completely clearing the road from mud, sludge or dirt and any other debris.
- b. Quarry operators/permittees/owners, construction developers/owners who upon inspection by authorized local government personnel have violated Section 3 of this Ordinance shall be meted with the following penalties:
 - First Offense - Two Thousand Pesos (P2,000.00)
 - Second Offense - Five Thousand Pesos (P5,000.00) and revocation of the city-issued permits for quarry, business, building and other permits wherever applicable.


SECTION 7. REPEALING CLAUSE – All Ordinances, rules and regulations found inconsistent with any of the foregoing provisions of this Ordinance are hereby repealed or amended accordingly.

SECTION 8. SEPARABILITY CLAUSE – If for any reason, any part of provision of this Act is declared invalid or unconstitutional by an appropriate court, any part or provision not affected thereby shall remain in full force and effect.

SECTION 9. EFFECTIVITY – This Ordinance shall take effect fifteen (15) days after its publication. Further, let copies of this Ordinance be furnished to the City Government departments/offices and national agencies concerned for their information and guidance.

UNANIMOUSLY APPROVED this 16th day of May 2018, on motion of Hon. Virgilio M. Chiong, seconded by Hon. Justino L. Dakay.

CERTIFIED CORRECT:



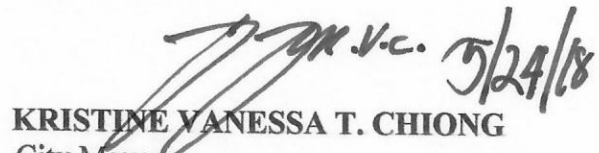
GARRY A. CABOTAJE
Secretary to the Sanggunian

ATTESTED BY



OTHELLO M. CHIONG
Vice Mayor/Presiding Officer

APPROVED BY:



KRISTINE VANESSA T. CHIONG
City Mayor