**Republic of the Philippines**

**Province of Bukidnon**

# **MUNICIPALITY OF MANOLO FORTICH**

## OFFICE OF THE SANGGUNIANG BAYAN

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**EXCERPT FROM THE MINUTES OF THE 4TH SPECIAL SESSION OF THE 18TH SANGGUNIANG BAYAN OF MANOLO FORTICH, BUKIDNON WHICH WAS HELD AT SANGGUNIANG BAYAN SESSION HALL ON JUNE 25, 2019.**

PRESENT:

HON. MIGUEL D. DEMATA Presiding Officer

Municipal Vice Mayor

HON. JERSON S. LEYSON Majority Floor Leader

HON. JUANITO I. QUIÑO Sangguniang Bayan Member

HON. ELIEZER S. ONAHON Sangguniang Bayan Member

HON. REYNALDO L. BAGAYAS, JR. Sangguniang Bayan Member

HON. RAUL S. MIÑOZA Sangguniang Bayan Member

HON. WARLEO A. GOAYAN Sangguniang Bayan Member

COUNCILOR VICTOR C. DUMOTAN Sangguniang Bayan Member

HON. NELSON S. BINAYAO Liga ng mga Brgy. Rep.

HON. JOHN ANTHONY G. LEYSON SK Federation Rep.

ABSENT:

HON. MARIO B. ALBARECE, JR. Sangguniang Bayan Member

* On Official Business

**ORDINANCE NO. 2019-1255**

(4th Special Session)

**AN ORDINANCE ENACTING THE CODE OF GENERAL ORDINANCES OF THE MUNICIPALITY OF MANOLO FORTICH, BUKIDNON.**

BE IT ORDAINED by the Sangguniang Bayan of Manolo Fortich, Bukidnon in session that;

**CHAPTER I**

**GENERAL PROVISIONS**

**ARTICLE A**

**TITLE**

**SECTION 1A.01 – Title -** This book shall be named **“THE CODE OF GENERAL ORDINANCES OF THE MUNICIPALITY OF MANOLOFORTICH, BUKIDNON** wherein all general ordinances being approved by the municipality since 1998 are bounded into one, excluding ordinances that impose appropriations, and ordinances considered to be part of the Revenue Code, and other special Ordinances.

**ARTICLE B**

**RULES OF CONSTRUCTION**

**SECTION 2B.01-Words and Phrases**. Words and phrases embodied in this Code not herein specifically defined shall have the same meaning as found in legal dictionaries as well as existing laws.

**SECTION 3B.02-Construction.** In construing the provisions of this Code, the following rules of construction shall be observed unless inconsistent with the manifested intent of the provisions or when applied they would lead to absurdity or highly improbable results.

**1. General Rule**. All words and phrases shall be construed and understood according to the common and approved usage of the language; but technical words and phrases and such other words in this Code which may have peculiar or appropriate meaning shall be construed and understood according to such technical, peculiar or appropriate meaning.

**2. Gender and Number**. Every word importing the masculine gender as well as the words he/she, his/her shall extend to both male and female. Every word importing the singular number shall extend and apply to several persons or things as well and every word importing the plural number shall extend and apply also to one person or thing.

**3. Computation of Time**. The time within which an act is to be done as provided in this Code, or in rule or regulation issued pursuant to the provisions thereof, when expressed in days, shall be computed by excluding the first day and including the last day, except when the last day falls on a Sunday or holiday, in which case the same shall be excluded from the computation and the next business day shall be considered the last day.

**4. Tenses**. The use of any verb in the present tense shall include the future whenever applicable. The words “shall have been” shall include past and future cases. The use of the word “shall” in this Code means the act being required to be done is mandatory, whereas when the word “may” is used, it means permissive.

**5**. **References.** All references to Chapters, Articles or SECTION are to chapters, articles or SECTIONs in this Code unless otherwise specified.

**6. Conflicting Provisions of Chapters**. All provisions of different Chapters which are in conflict with or contravene each other, the provisions of each chapter shall prevail as to all specific matters and questions involved therein.

**7. Conflicting Provision of SECTIONs**. If the provisions of different SECTIONs in the same chapter are in conflict with each other, the provision of the SECTION which is last in point of sequence shall prevail.

**SECTION 4B.03-Amendment and Integration of Additional Provisions.** Any amendment on this Code may be introduced to the chapter, article or SECTION concerned. All ordinances or provisions thereof enacted subsequent to the date of effectivity of this Code shall be complied in such a way as to bear the corresponding chapter, article or SECTION to which such ordinance or provision pertains. Such new provisions shall be integrated into the corresponding chapter, article or SECTION to which such ordinance or provision pertains. Such new provisions shall be integrated into the next chapter, article, or SECTION to which ordinance or provision pertains whenever a new printing or reproduction of this Code is undertaken upon approval of the Sangguniang Bayan.

**ARTICLE C**

**DEFINITION OF TERMS**

The definitions stated within this Code vary per Article and are defined as stated and meant on the original copies of the revised and newly-enacted ordinances of the Municipality.

**CHAPTER II**

**AGRICULTURE**

**ARTICLE A**

**RABIES CONTROL**

**SECTION 1A**.**01**- **Regulated Acts.** Any person who owns pet dog/s shall practice responsible pet ownership and be held liable of pet’s/s’s misdemeanors.

**SECTION 2A.02**- **Definition of terms.** As used in this Article.

1. Person refers to a dog owner for home pet purposes or a dog raiser for commercial purposes.
2. Rabies refers to is an acute infectious disease of the Central Nervous System caused by a virus transmitted in saliva of rabid animals, chiefly dogs.
3. Rabies Control Authority refers to a duly authorized person or persons responsible for the enforcement of this Ordinance.
4. Restrained means tethered, leased or caged.
5. Pet Misdemeanor–refers to any misbehavior caused by the dog such as accidents (vehicular), damage to properties, defecation in public places or other people’s properties or areas and bites.
6. Enclosed Premises refers to the means inside part the owner’s house or fenced yard where other people have no reason to enter except to conduct business or visit members of the family or household.
7. Vaccination refers to the inoculation of a specific vaccine into the body to produce immunity to a specific disease by causing the formation of antibodies.
8. Public Pound, Municipal or Barangay Pound - refers to an establishment wherein stray animals or animals running at large shall be impounded or confined or restrained.
9. Stray Animals or Animals Running at Large refers to an animal which is loosed, unrestrained, unconfined or not under complete control of its owner or the one in possession thereof.
10. Animal Catcher refers to a person who traps or catches animal. He shall only perform actual catching of stray animals and other functions related thereto as assigned to him by the Municipal Pound Office.

**SECTION 3A.03- Administrative Provisions:**

1. All pet dog owners shall subject their pet/pets for annual anti-rabies vaccination for those aging three (3) month old puppies and beyond.
2. All anti-rabies vaccines are administered by the Municipal Veterinarian or his authorized and trained Barangay Animal Health Worker (BAHW) and shall be free of charge.
3. All pet dogs upon reaching three (3) months old shall be registered with the Municipal Veterinarian Office upon payment of a registration fee of one hundred (P100.00) pesos payable to the Municipal Treasurer’s Office and shall be issued a dog tag or certification of registration and anti-rabies vaccination.
4. All astray dogs shall be seized and impounded at the Municipal pound or at the barangay pound and the disposition of unclaimed dogs after the lapse of five (5) days shall be under the supervision of the Municipal Veterinarian Office or the deputized and trained Barangay Animal Health Worker (BAHW).
5. All owners of stray dogs seized by the personnel of the Municipal Veterinarian Office or the Barangay Animal Health Worker shall be issued a citation ticket for violation of the ordinance on stray animals in addition to payment of impounding fee of one hundred pesos (P100.00) for a period of five (5) days or more.
6. All pet owners shall be held liable for any misdemeanor caused by their pet animals, such as property damage, accidents, public defecation or bites. And shall shoulder all expenses needed to provide repair to damage, hospitalization, or post exposure vaccinations to bite victims.
7. All other provisions included in the R.A. 9482 shall be applied in this article.
8. The Municipal Rabies Control committee shall oversee the full implementation of the provisions of this Article in coordination with the Municipal Veterinarian Office, Municipal Health Office and the Barangay governments. They shall formulate additional rules and regulations for the proper implementation of this Article.

**SECTION 4A.04-Fines and Penalties.** Any person who violates any provision of this Article shall suffer the following:

1. First Offense -a fine of Five Hundred Pesos ( P 500.00)
2. Second Offense- a fine of One Thousand Pesos (P 1,500.00)
3. Third and Succeeding Offenses- a fine of Two Thousand Five Hundred Pesos ( P 2,500.00) or an imprisonment of not more than 30 days or both fine and penalty of imprisonment at the discretion of the court.

**ARTICLE B**

**PROTECTION OF IRRIGATED AREAS AND IRRIGATION FACILITIES**

**SECTION 5B.01 - Prohibited Act.** No person shall be allowed to sell or donate other than its purpose for agricultural production; construct, utilize, manipulate and do any unlawful acts to the irrigated areas and irrigation facilities within the Municipality of Manolo Fortich.

**SECTION 6B.02 - Definition of Terms as used in this article.**

1. Unlawful Act refers to illegal activity done by any person, organization or any entity on the irrigation facilities and irrigated areas.
2. Irrigated areas refers to parcel of land or parcels of land, that is/are cultivated and commonly developed to paddies which are irrigated, supplied, flooded, or sprayed with water by artificial means like diverting streams, rivers, creeks or other bodies of water and other water sources; be it under National irrigation System (NIA), communal irrigation system or privately-managed irrigation systems to provide water needs of farms intended for agricultural production of rice, vegetables and other crops.
3. Irrigation facility refers to structures that are constructed to provide water needs on farms for agricultural production for rice, vegetables and other crops whether it is national, communal or privately managed which cater to an association or cooperatives.
4. National Irrigation Systems refers to those structures that are constructed and maintained by the National Irrigation Administration (NIA).
5. Communal Irrigation Systems refers to those constructed by NIA whose operation and maintenance is being turned-over to the Irrigators’ Association (IA).
6. Privately-Managed Irrigation Systems refers to those structures established by the defunct Farming System Development Corporation (FSDC) or those established by cooperatives which cater to the water needs of farm members of the association or cooperatives.
7. Animals refer to cattles, horses, carabaos, goats, chickens, ducks and the like.
8. Grazing refers to the method of feeding in which an animal feeds on growing plants or grasses
9. Turn-out refers to a structure built to a point where farm ditches branch out from a canal to regulate or control water flow into the paddies. This structure is provided with steel gate.
10. Check Structure refers to a facility built to maintain water surface elevation required for delivery. This structure is also provided with steel gate.
11. Steel gate refers to a device to regulate flow of water into a structure.
12. Head gate refers to a structure built and provided with steel gates to regulate or control water flow into a canal.
13. Dike refers to a mound of earth or stone usually constructed to control or hold water.
14. Dam refers to a barrier built to confine or divert a current of water. A structure built across a stream for irrigation purposes.
15. Illegal manipulation refers to maneuvering turn-out, dam intake, and check structure of head gate for the purpose other than irrigation of agricultural crops.
16. Illegal diversion refers to the diversion of water from the irrigation facilities for the purpose other than irrigation of agricultural crops.
17. Multi-Sectoral Irrigation Management Authority (MIMA) refers to a group of persons authorized by the Local Government Unit to regulate, monitor and impose laws, rules and policies to irrigated areas and irrigation facilities within the municipality which compose of irrigation associations’ or cooperatives’ representatives, barangay government officials, municipal government officials and personnel from the local zoning board, planning, agriculture, environment and engineering.

**SECTION 7B.03 - Administrative Provisions.** It shall be unlawful for any person, organization or entity to do any of the following prohibited acts:

1. To sell or donate a parcel or the whole lot of irrigated areas not intended for production of rice, corn, staple crops and vegetables through irrigation.
2. To construct a house, building, dam and other similar structures causing obstruction across any portion of irrigation canals and irrigation dams.
3. To construct a dike, fishing gear and other similar structures causing obstruction across any portion of irrigation canals.
4. To utilize any portion of the irrigated areas and irrigation drainage canals for grazing and wallowing of work animals, ducks and hogs.
5. To utilize irrigation canals for sewerage purposes.
6. To construct any turn-out without any permission from the MIMA.
7. To dump garbage, debris, dead animals and human feces in the canals.
8. To wash clothes and motor vehicles, taking a bath and swimming within or along irrigation canals, intake, and dam.
9. To do any illegal manipulation of any turn-out, dam intake, check structure of head gate/ illegal diversion of water.
10. To cause damage to or destruction of any portion of irrigated areas, irrigation facilities and irrigation service roads whether intentional or unintentional.
11. To cause intentional planting of any crops along and within the canal right-of-way.
12. To prohibit or fence, or withheld entry of MIMA members on all irrigation facilities such as but not limited to irrigation canals, dams, lateral line canals, and main canals for the purpose of monitoring, desalting, rehabilitation, repair and clean up maintenance.
13. To quarry aggregates within one kilometer downstream/upstream from irrigation structures and irrigated areas
14. To pump or extract or access water along or within the head water source of the irrigation, dams or lateral canals not intended for irrigation of crops without the permit from the MIMA.
15. Unauthorized opening of steel gates at dam structures and head gates in lateral canals.
16. Theft of steel gates and other movable structures of irrigation facilities.
17. The violator shall demolish the structure referred in (b) of SECTION 3 within 30 days upon receipt of Notice of Violation (NOV) issued by the MIMA.
18. The violator shall cease immediately the conduct of any unlawful act as stipulated in SECTION 3 from (a) to (n) upon apprehension of MIMA.
19. Aside from the fines and penalties, the violator shall pay the amount of the actual damages incurred.
20. The MIMA shall be created to formulate additional rules and regulation, likewise will also initiate the creation BIMA to all barangays with irrigated areas which shall implement the full force of this ordinance and further formulate policies on the sharing of fines between the MLGU and the BLGU.

**SECTION 8B.04 - Fines and Penalties.** Any person who violates any of the provision of this article shall be imposed upon him the following:

1. Any person or entity who violates the acts (c), (h), and (k) of SECTION 3 of this Ordinance shall be fined One Thousand Pesos (₽1,000.00) for the first offense; One Thousand Five Hundred (₽1,500.00) Pesos for the second offense; and Two Thousand Five Hundred (₽2,500.00) Pesos for the third and succeeding offenses.
2. Any person or entity who violates the acts (d),(e), (g) and (l) of SECTION 3 of this Ordinance shall be fined One Thousand (₽1,500.00) Pesos for the first offense; and Two Thousand Five Hundred (₽2,500.00) Pesos for the second offense and succeeding offenses.
3. Any person or entity who violates the acts (a), (b), (f), (i), (j), (m), (n), (o) and (p) of SECTION 3 of this Ordinance shall be fined Two Thousand Five Hundred (₽2,500.00) Pesos or imprisonment of not more than 30 days or both fine and imprisonment at the discretion of the Court.

**ARTICLE C**

**REGULATION ON RIGHTS OF OWNERSHIP OF WOODY PERENNIALS ALONG LOT BOUNDARY/PROPERTY LINES**

**SECTION 9C.01 - Regulated Act.** Any person who owns lot/s shall comply with the regulation on rights of ownership of woody perennials along lot boundary/property line/lines.

**SECTION 10C.02 - Definition of Terms.** As used in this article:

1. Lot boundaries/Property Lines- refer to boundaries between two parcels of land.
2. Woody Perennial refers to a plant with stems that do not die back and instead grow with each passing season. These refer to hardwood or fruit trees, shrubs, palms and the like.
3. Regulation refers to a rule or directive made and maintained by an authority or the action or process of regulating or being regulated.
4. MENRO refers to the Municipal Environment and Natural Resources Office of the Local Government Unit.
5. Barangay refers to the smallest administrative division in the Philippines and is the native Filipino term for a village, district or ward.
6. Lot owner/owners refer to the person, organization or entity with proof of ownership of the land and the planter of woody perennials.
7. Adjoining lot owner/owners refer to the person, organization or entity who own/s the adjoining lot.

**SECTION 11C.03 - Administrative Provisions**

1. A lot owner shall plant woody perennials for at least in a distance of 2.5 meters and 5 meters for Bamboo from the boundary line of his property.
2. A lot owner may plant woody perennials less than 2.5 meters provided he or she shall secure written agreement of owner/s of adjoining properties and subject for renewal upon agreement of both parties. This shall be witnessed by any of the barangay council member concerned or the MENRO.
3. Any part of the woody perennials that cross the boundary line to the adjoining lot shall be automatically owned by the adjoining owner.
4. The adjoining lot owner has the right to cut back roots or branches to the boundary, harvest or use the woody perennials that cross the boundaries with the permission of the owner.
5. The owner shall give his or her permission within 3 days. Failure to respond, the adjoining lot owner may proceed with the cutting, usage or harvest.

**SECTION 12C.04 – Fines and Penalty.** Any person who violates any provision of this article shall be imposed upon him the following:

1. First Offense- Fine of One Thousand Pesos (P1,000.00)
2. Second Offense- Fine of Two Thousand Pesos (P2,000.00)
3. Third Offense - Fine of Two Thousand Five hundred (₽2,500.00) or imprisonment of not more than 30 days or both fine and imprisonment at the discretion of the court.

**ARTICLE D**

**PROTECTION OF AGRICULTURAL CROPS FROM DAMAGE CAUSED BY ANIMALS**

**SECTION 13D.01 – Prohibited Act.** No person or entity shall allow his animal/s to cause damage whether intentional and unintentional to agricultural crops other than his plants.

**SECTION 14D.02 - Definition of Terms. As used in this article:**

1. Animal Owner refers to any person or entity that owns or raises animals.
2. Farmer/ Farm owner refers to any person or entities that own or manages a farm that mostly grows crops or raise livestock.
3. Agricultural crops/crops refer to plants such as grains (corn and rice), vegetables, fruits, root crops and the like.
4. Animal - a living organism that feeds on organic matter that is not human, insect or fish which is domestically referred to as cattle, carabao, goat, sheep, horse, chicken, duck, swine or other fowls.
5. Farm Gate price- is the price of farm products sold directly from the farm.
6. Municipal Agriculture Office (MAO) is the office in charge of the agricultural services of the municipality under the Local Government Unit

**SECTION 15D.03 - Administrative Provisions**

1. The animal owner who owns or raises animal which causes damage to crops other than his crops will be held liable of the damages whether it is intentional or unintentional.
2. The farm owner may have the right to restrain or hold the animal/s to cease from damaging further his crop, take picture for evidence of the damage and presence of the animal on his farm, report the occurrence immediately to the barangay and have a barangay representative to inspect and witness the said damage and the presence of the said animal that caused the damage.
3. The farm owner must inform the animal owner immediately of the damage caused by his animal/s.
4. The farm owner must report to the MAO for crop damage assessment.
5. The animal owner must pay the actual crop damage based on the assessment and on the following rates:
6. Corn and Rice- Minimum of Five Pesos (P5.00) but not to exceed Ten Pesos (P10.00) per hill
7. Cassava- Minimum of Seven Pesos (P7.00) but not to exceed Ten Pesos (P10.00) per hill.
8. Fruits and Vegetables – will be based on the existing farm gate price

**SECTION 16D.04-Fines and Penalty. Any person who violates any provision of this article, the following shall be imposed upon him:**

1. First Offense- Fine of One Thousand Pesos (P1,000.00)
2. Second Offense- Fine of Two Thousand Pesos (P2,000.00)
3. Third Offense - Fine of Two Thousand Five hundred (P2, 500.00) or imprisonment of not more than 30 days or both fine and imprisonment at the discretion of the court.

**CHAPTER III**

**AMUSEMENT**

**ARTICLE A**

**OPERATION OF MUSICAL ENTERTAINMENT BUSINESS**

**SECTION 1A.01 - Regulated Act.** Any person operating a video-K entertainment whether for public or for private purpose shall control the volume of the sound not louder than 60 decibels.

**SECTION 2A.02 - Definition of Terms.** As used in this Article.

a) Person refers to an operator/owner of a musical entertainment business for public or for private purposes.

b) Musical Entertainment Business refers to the use of musical instruments and equipment to entertain the public customers or for private entertainment. This includes video-ks, video 5s, karaoke’s, bands, combos, and the like usually done in disco houses, beer gardens, cocktail lounges, sing-along joints, private homes and other similar musical entertainment places for a fee.

c) Decibel refers to a unit of measuring how loud a sound is.

**SECTION 3A.03 - Administrative Provisions.**

1. No owner/operator shall be issued the permit and license to operate a musical entertainment business without complying the necessary requirement of installation of sound proof facilities, and other public safety gadgets and equipment and a Certificate of Inspection from the Municipal Engineer and the Fire Marshall.
2. All musical entertainment establishments whether for public or private may start its operations from 8 o’clock in the morning and shall end up at 10:00 in the evening.
3. No operation of musical entertainment houses shall be allowed within the 200 meter radius from any schools, churches, clinic and hospitals, and residential areas.
4. No lewd and indecent images shall be allowed.
5. A Municipal Composite Team composed of the Municipal Engineer, Fire Marshall, Chief of Police and other personnel whom the Local Chief Executive identified as necessary shall oversee the implementation of this Article and may formulate additional rules and regulations thereof.

**SECTION 4A.04 – Fines and Penalties.** Any person violating this article shall be imposed the following:

1. First Offense- A fine of One Thousand Pesos (P1, 000.00).
2. Second Offense- A fine of Two Thousand Pesos (P2, 000.00).
3. Third Offense- A fine of Two Thousand Five Hundred Pesos (P 2,500.00) or revocation of the permit and imprisonment of not more than 30 days or the fine, revocation and imprisonment at the discretion of the court.

**ARTICLE B**

**PRESCRIBING THE NORMS IN THE ESTABLISHMENT, OPERATION AND MAINTENANCE OF COCKPITS**

**SECTION 5B.01 - Regulated Act.** Any person operating and maintaining a cockpit shall comply the prescribed policies and regulations as required by the Municipal Government.

**SECTION 6B.02 - Definition of Terms as used in this article.**

a. Cockfighting (Sabong) refers to the sport of fitting or evenly matching gamecocks to engage in an actual fight where bets on either side are laid. Cockfighting may also be formed as cockfighting derby or pintakasi” or its equivalent term indifferent Philippine localities.

b. Cockpit (Sabungan)refers to the property enclosed or fenced premises or compound provided with two or more gates or doors for definite points of entrance and exit and licensed in accordance herewith for the holding of cockfighting, derby, pintakasi, hackfight or its equivalent term in different Philippine localities.

c.Cockfight (Soltada) refers to the actual fight or physical combat of two (2) pitted or evenly – matched game cocks, where bets on either side are laid. A“carambola”, wherein the actual fight or physical combat is of more than two (2) pitted gamecocks, shall be considered a cockfight**.**

1. Derby refers to a cockfight promotion with entry fees.

e. Regular Cockfight refers to regular schedule of cockfight provided in their license to operate.

f. Special Cockfight refers to a cockfight held on days other than the regular schedules for special purposes. Such cockfight requires a special permit from the Sangguniang Bayan.

g. Special Permit refers to a permit secured from the Sangguniang Bayan upon written request of the licensed cockpit operator or the barangay council to hold cockfighting on days other than the regular schedule.

h. Pit Manager refers to a person who professionally, regularly and habitually manages a cockpit and cockfight therein. He may or may not be the owner of the cockpit himself**.**

i. Referee (Sentenciador) refers to a person who watches and oversees the progress of the cockfight and decides its results by announcing the winner or declaring a draw or a no contest game.

j. Bet Manager (Kasador) refers to a person who calls and takes care of bets from owner of both gamecocks and those of other bettors, before the commencement of the cockfight and thereafter distributes winning bets to the winners after deducting a certain commission.

k. Bet Taker (Kristo) refers to a person who participates in cockfights and, with the use of money or other things of value, bets with bettors or through other bet takers and wins or loses his bets depending upon the result of cockfight as announced by the referee or sentenciador.

l. Gaffer (Mananari) refers to a person knowledgeable in the technique of arming fighting cocks with the gaff on either or both legs.

m. Handler (Sultador) refers to a person who personally takes physical custody and control inside the arena of a pitted game cock and who actually releases the same for actual fight and combat in game fighting.

n. Promoter refers to a person engaged in the convening, meeting, holding and celebration of specially programmed and arranged cockfighting like local derbies or competitions, special mains or matches, set to or encounters, pintakasi, and ordinary cockfights and hackfights.

o. Gamecock refers to domesticated fowls, specially bred trained and conditioned for actual cockfighting.

p. Cocker (Aficionado) refers to a person who participates and bets in cockfighting as a sport, amusement, recreation or form of relaxation.

q. Bettor refers to a person who places bet money on cocks slated for combat.

**SECTION 7B.03 - Administrative Provisions.**

a. There shall only be a maximum of two (2) cockpits allowed to operate in Manolo Fortich, Bukidnon. Provided that the population count have exceeded the minimum requirement of 100,000.

b. The following persons or entities may own, operate or manage a cockpit:

1) Filipino citizens not otherwise inhibited by law;

2) Corporations, groups of individuals, the capitalization of which is Filipino – owned and formed, organized or established and licensed for such purposes;

3) Cooperatives.

c. No cockpit shall be established, maintained and/or operated within the radius of two hundred (200) lineal meters from any existing hospital, school building, church or other public buildings. Approval of issuance of building permits for the construction of cockpits shall be made by the Municipal Engineer in accordance with the National Building Code, and existing Zoning Ordinance of the municipality.

d. Cockfights shall be held only in a licensed cockpit and/or other areas designated by the Sangguniang Bayan.

e. For regular cockfights, during Saturdays, Sundays and legal holidays, except on the following legal holidays when no cockfighting shall be held on:

1. Holy Thursday
2. Good Friday
3. Election Day / Referendum Day
4. December 30
5. January 1
6. June 12
7. December 25

8. Registration Day for such election / referendum days

f. For Special Hackfights, other than Saturdays and Sundays scheduled on other holidays.

1. The Sangguniang Bayan shall issue a Special Permit for the holding of cockfighting events on days other than the regular schedules but not to exceed more than three days every month and the event shall be conducted within the duly licensed cockpit requesting special permit.

2. Special Hackfight, may also be held in barangays to coincide with their Fiesta celebrations, Araw ng Barangay, provided such are requested through the Barangay Council and provided further, that safety measures be adopted particularly on the cockpit areas measuring 5 meters x 5 meters of perimeter railings with a height of 4 ft.

**SECTION 8B.04 - REQUIREMENTS FOR LICENSING OF COCKPITS**

The following requirements shall be fully complied with, before the issuance of license:

a. New Licenses – Every applicant for new license to establish, operate or maintain a cockpit shall be submitted to the Sangguniang Bayan for its approval, accompanied with the following:

1. Locational Clearance from the MPDC.

2. The cockpit building plan / design as approved by the Municipal Engineer and a certification by him to the effect that the cockpit was constructed in accordance with such approved plan / design in the proposed area.

3. Sanitary Clearance

4. Annual Renewal – Every applicant for the annual renewal of a license to operate or manage a cockpit shall be submitted to the Sangguniang Bayan. Prior to the issuance of a Mayor’s Permit not later than the 20th of January of each year, and shall be accompanied with the following:

a. Official Receipts of previous and current years showing payment of Municipal taxes, fees and other levies as prescribed in pertinent municipal ordinance, and

b. In case the cockpit was constructed more than five (5) years, upon the date of renewal of application, a certification must be secured from the Municipal Engineer to the effect that such cockpit conforms to structural standards pursuant to the National Building Code (PD1096) and other applicable laws.

c. An application stating therein the names of the cockpit, the name of the owner / owners, the name of the operator / manager, the name of the licensee and the mailing addresses of the above mentioned persons.

**SECTION 9B.05. COCKFIGHTING OFFICIALS**

The following cockfighting officials are required to secure a Mayor’s Permit from the Municipality of Manolo Fortich.

a. Promoters / operators / General Managers / Hosts

b. Pit Managers

c. Referee (Sentenciador)

d. Bet Manager (Kasador)

e. Bet Takers (Kristo)

f. Local and Official Gaffers (Mananari)

g. Cashiers

**SECTION 10B.06. IMPOSITION OF TAX AND FEES**

The following taxes and fees shall be paid to the Municipal Treasurer or his duly authorized representative pursuant to the provisions of the Revenue Code of Manolo Fortich:

a. Cockpit (per annum)

1. Franchise Fee

2. Fixed Tax on Business

3. Mayor’s Permit Fee

4. Ocular Inspection Fee

b. Filing Fee (per application)

c. Permit Fee of cockpit personnel (annually)

1. Pit Manager

2. Referee (Sentenciador)

3. Cashier

4. Bet Manager

5. Bet Taker

6. Local Gaffer

d. For promoters of derbies (per application)

1. 2 cock derby

2. 3 cock derby

3. 4 cock derby

4. 5 cock derby

e. For regular / special hackfight assessment

f. For special Derby Assessment/ hackfight during derby

g. Resetting or rescheduling of special cockfights for which a special

permit has been previously issued - Fifty percent (50%) of applicable

fees on SECTION 3.B.6.

**SECTION 11B.07. TIME AND MANNER OF PAYMENT** – The tax and fees imposed on SECTION 7 a, c and d shall be paid annually on or before the 20th of January of each year.

**SECTION 12B.08. SURCHARGE FOR LATE PAYMENT** – Failure to pay the tax and fees imposed herein within the time required shall subject the taxpayer to a surcharge of twenty five percent (25%) of the original amount of tax due.

**SECTION 13B.09. PROHIBITION AGAINST MINORS** – Minors are strictly prohibited to enter any Cockpit in Manolo Fortich. Cockpit Operators are strictly required to observe and implement this prohibition by placing a signage containing these words; **“MINORS ARE NOT ALLOWED IN THIS ESTABLISHMENT”.**

**SECTION 14B.10. BOOKS OF ACCOUNT AND RECORDS –** The Cockpit owner / operator /manager is required to keep proper books of account and records in connection with the operation. The Municipal Treasurer or his duly authorized representatives, or any designated member of the Sangguniang Bayan Committee on Games and Amusements, shall have the power to inspect within reasonable time said books of accounts and records of the **“ESTABLISHMENT”.**

**SECTION 15B.11. FINANCIAL STATEMENTS OF PROCEEDS FROM COCKFIGHT FOR CHARITABLE AND OTHER LOCAL DEVELOPMENTAL PURPOSES**

In cockfights for the support of local fund raising campaigns for charitable and other local developmental purposes, the owner, operator or licensee shall enter in a daily financial report.

a. Name of the beneficiary;

b. The receipts from gate or entrance and ringside tickets; and

c. The total commission (Plazada) for the day;

d. Net proceeds accruing to the fund raising beneficiary.

At the close of each derby and/or pintakasi for such above mentioned purposes, the owner, operator or licensee of the cockpit shall turn over to the beneficiary the amount previously agreed upon. In case of disagreement or in the absence of a sharing arrangement on the proceeds of the derby or pintakasi, the matter shall be submitted to the Sangguniang Bayan for arbitration, whose decision shall be final.

**SECTION 16B. 12**. The owner, operator, or licensee of the cockpit shall submit within seven (7) days after the holding of a special hackfight to the Municipal Treasurer and the copies of the daily financial report and the financial summary thereof.

**SECTION 17B.13. SUPERVISION** – The Municipal Treasurer shall have the authority to designate its representative/s during the conduct of regular or special cockfights.

**SECTION 18B.14. FINES & PENALTIES.** Any person or entity violating any provisions of this article shall be imposed a fine of Two Thousand Five Hundred Pesos (P2, 500.00) or be penalized by suspension or cancellation of license and permits, or both fine and suspension of license at the discretion of the Court.

**CHAPTER IV**

**CULTURAL COMMUNITIES**

**ARTICLE A**

**REQUISITION OF FREE AND PRIOR INFORMED CONSENT**

**SECTION 1A.01– Prohibited Acts.** No person shall conduct/undergo/implement any activity, programs and projects within the ancestral domain in areas where Indigenous Peoples (IP’s) are affected without securing the Free and Prior Informed Consent from the National Commission on Indigenous Peoples (NCIP) and from the tribal council concerned.

**SECTION 2A.02 - Definition of Terms. As used in this Article.**

a. Person refers to investors, capitalists, individuals, government and private entities, researchers, concessionaires and the like.

b. Free and Prior Informed Consent (FPIC)refers to the consensus of all members of Indigenous Cultural Communities/ Indigenous Peoples (ICCs/IPs) to be determined in accordance with their respective customary laws and practices, free from any external manipulation, interference and coercion and obtained after fully disclosing the intent.

c. Ancestral Domain refers to the areas inhabited and claimed by the Indigenous Peoples Tribe as the rightful heirs of their ancestors as provided in RA 8371 otherwise known as Indigenous Peoples Rights Act (IPRA).

**SECTION 3A.03 - Administrative Provisions.**

1. The Indigenous Cultural Communities/ Indigenous Peoples (ICCs/IPs) shall within their communities, determine for themselves policies, development programs, projects and plans to meet their identified priority needs and concerns. The ICCs/IPs shall have the right to accept or reject a certain development intervention in their particular communities/territories.

2. The consensus of building process of each particular Indigenous Cultural Communities/Indigenous Peoples shall be adhered to in securing the ICCs/IPs Free and Prior Informed Consent.

3. National Commission on Indigenous Peoples (NCIP) Administrative Order No. 3 provides that all projects, activities, programs affecting ancestral domain is required to undergo the Free and Prior Informed Consent (FPIC) process, including government projects. Policies, Programs, Projects, Plans and activities subject to Free & Prior Informed Consent shall include but not limited to the following:

a. Exploration, development, exploitation and utilization of natural resources within Ancestral Domains/Lands;

b. Research in Indigenous knowledge systems and practices related to agriculture, forestry, watershed & resource management systems and technologies, medical & scientific concerns, bio-diversity, bio-prospecting and gathering of genetic resources.

c. Displacement & Relocation

d. Archeological explorations, diggings and excavations and access to religious & cultural sites.

e. Policies affecting the general welfare and the rights of ICCs/IPs.

f. Entry of the military or paramilitary forces or establishments of temporary or permanent military facilities within the domain.

1. In the implementation of the provisions, the Council of Elders/Chieftains/Indigenous Peoples Mandatory Representatives (IPMRs) may formulate additional provisions for effective, efficient and sustain enforcement thereat.
2. Regulatory Body – Municipal Chieftain and Council of Elders chosen by the concerned tribe in their respective territories and recognized by the NCIP.
3. All other applicable provisions of IPRA law and the IPs’ Customary laws shall form part of the provision of this Article.

7. All penalties as provided for in the IPRA law and the customary law of the Indigenous cultural communities / Indigenous People (ICCs/IPs) concern shall be applied to any violator in addition to the penalty imposed in this Article.

**SECTION 4A.04 – FINES AND PENALTIES**. Any person violating this article, the following shall be imposed upon him:

1. First Offense- A fine of One Thousand Pesos ( P1,000.00)
2. Second Offense- A fine of Two Thousand Pesos (P2, 000.00)
3. Third and Succeeding Offenses- A fine of Two Thousand Five Hundred Pesos (2,500.00) or an imprisonment of 30 days or both fine and imprisonment at the discretion of the court.

**ARTICLE B**

**ENTRY TO SACRED SITES, BURIAL SITES AND HISTORICAL SITES OF INDIGENOUS CULTURAL COMMUNITIES/ INDIGENOUS PEOPLES (ICCs/IPs)**

**SECTION 5B.01** - **Prohibited Act.** No person shall enter and do any activity within the sacred sites/historical sites of Indigenous Cultural Communities/ Indigenous Peoples (ICCs/IPs).

**SECTION 6B.02** - **Definition of Terms.** As used in this Article

a. Person refers to individuals (IPs and Non-IPs), organization, researchers, investors, companies, private, and government entities.

b. Sacred Sites refer to the following:

1. Ceremonial and Spiritual sites where rituals for any purpose is done traditionally called “Lugbaka”, “Kalutan”, or “Halaran”.

2. Tulungdanon

- Areas/sites where miracles happened usually “babala-uns” of Baylans are given (intuga) by nature.

- Sites where the power of the spirits and unseen dwellers were demonstrated.

- Sites identified by “Magbabaya” being shown to Baylans through dreams and visions where certain spiritual ceremonies must be done.

- Sites believed as abode of spirits, deities, and caretakers.

3.Pina – sites where only selected Baylans are allowed to enter.

a. Historical Sites – Cultural sites/areas where “Iliyan” (Fortress), Tulugans were established, sites where big events/ceremonies were being held.

- Landmarks

c. Customary Laws refer to a body of written or unwritten rules, usages, customs and practices traditionally observed, accepted and recognized by respective ICCs/IPs.

**SECTION 7B.03** - **Administrative Provisions.**

1. Entry, exploration or whatever activity by non-authorized persons (IPs and non IPs) in sacred sites is strictly prohibited.

2. Excavations, defacing, removing or otherwise destroying artifacts and materials of cultural value especially in sacred and historical places including burials sites are strictly prohibited.

3. All applicable provisions of the IPRA law shall form part of the provisions of this Article.

4. All penalties imposed by the IPRA law and the customary law of the Indigenous cultural communities / Indigenous People (ICCs/IPs) concern to any violator shall be applied in addition to the penalty imposed in this Article.

5. The Municipal Tribal Chieftain of concern tribe shall lead the full implementation of the provisions of this Article.

**SECTION 8B.04** –**FINES AND PENALTIES.** Any person who violates any provision of this article the following shall be imposed to him:

1. First Offense - a fine of One Thousand Pesos (P1,000)
2. Second Offense - a fine of Two Thousand Pesos (P2,000)
3. Third and Succeeding Offenses - a fine of Two Thousand Five Hundred Pesos (P2, 500) or an imprisonment of Thirty (30) Days or both fine and imprisonment at the discretion of the court.

**ARTICLE C**

**INDIGENOUS PEOPLE (IP) LEADERSHIP AND ORDAINMENT**

**SECTION 9C.01 Prohibited Acts:** No person shall be ordained or vested any title as Indigenous Cultural Communities/ Indigenous Peoples(ICC/IP) Leader by anybody other than legitimate/authorized elders of the tribe within the territory, based in their customary laws.

**SECTION 10C.02 Definition of Terms: As used in this Article:**

a. Authentic Indigenous Leadership refers to the Authentic Indigenous leadership emerging from the dynamics of customary laws and practices in the maintenance and development of the ICCs/IPs Indigenous governance and decision making.

b. Customary laws refer to a body of written or unwritten usages, customs and practices, traditionally observed, accepted and recognized by respective ICCs/IPs.

c. Indigenous Cultural Communities/Indigenous People(ICCs/IPs)refers to a group of people or homogenous societies identified by self- ascription and ascription by others, who have continuously lived as organized community on communally bounded and defined territory, and who have under claims of ownership since time immemorial, occupied, possessed and utilized such territories, sharing common bonds of languages, customs, traditions and other distinctive cultural traits, or who have, through resistance to colonization, non-indigenous religions and cultures, became historically differentiated from the majority of Filipinos.

**SECTION 11C.03 - Administrative Provisions.**

1. The ICCs/IPs concerned shall have the sole power to authenticate indigenous leadership titles and certificates of tribal membership;
2. The ICCs/IPs Elders and leaders recognized by the tribe in their respective territories have the sole right to vest titles of leadership such as, but not limited to Bae, Datu, Baylan and such other titles to their members;
3. Only the recognized/registered leaders are authorized to issue certificates of tribal membership to their members such certificates shall be confirmed by the NCIP and shall have effect only for the purpose for which it was issued.
4. In the implementation of the provisions, the Council of Elders/Chieftains/IPMRs may formulate additional provisions for effective, efficient and sustain enforcement thereat.
5. Regulatory Body – The Municipal Chieftain and the council of Elders / Leaders chosen by the affected / concern tribe in their respective territories and recognized by National Commission on Indigenous People (NCIP) office.
6. All other applicable provisions of Indigenous People Rights Act (IPRA) law and the Indigenous Peoples (IPs) customary laws shall form part of the provisions of this Article;
7. All penalties as provided for in the Indigenous Peoples Rights Act (IPRA) law and the customary law of the concern Indigenous cultural communities Indigenous Peoples (ICCs/IPs) shall be applied to any violator in addition to the penalties imposed in this Article.

**SECTION 12C.04.–FINES AND PENALTIES-** Any person who violates any provisions of this article, the following shall be imposed upon him:

1. Imprisonment for not less than 30 days.
2. Fine of Two Thousand Five Hundred Pesos or both fine and imprisonment at the discretion of the court.

Accessory Penalties – In addition to the penalties referred to in preceding article, the following may be imposed:

1. For all violators, payment of damages suffered by the Indigenous Cultural Communities/ Indigenous Peoples (ICCs/IPs) as a consequence of the unlawful act based on ICCs/IPs customary laws and the IPRA law.
2. For Corporations or other juridical persons, cancellation of their registration certificate or license;

**CHAPTER V**

**ENVIRONMENT**

**ARTICLE A**

**CONDUCT OF INSPECTIONS & IMPOSITIONS OF FINES**

**SECTION 1A.01 – Prohibited Act.** No Person shall conduct inspections and impose fines without following the provisions of this Article.

**SECTION 2A.02 - Definition of Terms.** As used in this Article

a. Department refers to the Municipal Environment and Natural Resources Office.

**SECTION 3A.03 – Administrative Provisions.**

a. AUTHORITY OF THE DEPARTMENT PERSONNEL. Upon the authority of the Head of the Municipal Environment and Natural Resources Office or in performance of their duties and assignments, personnel of MENRO, Environmental Enforcers, Environment Police and other deputized personnel shall administer environmental functions in areas under their jurisdiction and assignment, and enforce the provisions of all environmental articles.

b. THE RIGHT OF ENTRY AND AUTHORITY TO INSPECT AND MONITOR. Any authorized representative of the MENRO shall, after properly announcing the purpose of his visit through the presentation of the office order and office identification, have the authority to enter, inspect, investigate, verify, monitor, or take pictures at any time during operating hours, any building or premises, or part thereof that may contain noxious or foul odor, liquid and/or chemical pollutants, solid waste and such other pollutants, hazardous and ozone-depleting substances, or any other pollutants, or noise pollutants coming from business establishments operating as pubs and resto bars, live bands and/or similar establishment, and other sources and/or potential sources of pollution or emission.

c. INTERFERENCE AND FALSE REPRESENTATION. – It shall be unlawful for any person to resist or in any way interfere with any officer, employee, or authorized representative of the Department in the performance of his duty, or who shall impersonate or falsely represent any officer, employee, or authorized representative of MENRO or other deputized environmental enforcers, or wear without authority any uniform, badge, or insignia adopted by the office, or who shall deface, change or alter, falsify, remove, or destroy any notice, poster, or marking placed in or on any building, premises, or place, or allow part thereof, who shall knowingly permit or allow the same to be done.

d. CITIZEN’S ARREST.- Notwithstanding the apprehending officer’s authority, any citizen who is willing, able and is an actual witness or able to document thru video, any violation to environmental ordinances can apprehend the offender, inform the apprehending officer about the committed offense for proper disposition as provided in this article.

e. PROCEDURE AND IMPOSABLE FINES. – Any person who violates the provisions of any environmental articles and ordinances shall be issued citation tickets by the duly authorized Department Personnel and inform them of the nature of infringement committed with corresponding administrative fines to be paid. If the violator is a corporation or other corporate entities, the president, manager, or person responsible for its operation shall be held liable. Fines shall vary depending on the violations as stipulated in this ordinance.

f. DISPOSITION OF FINES: If the apprehension is made by an LGU employee, the collection shall be shared in favor of the following:

1) Sixty percent (60%) shall form part of the Solid Waste Management Fund of the municipality.

2) Twenty percent (20%) shall be allocated to the barangay where the violation was committed.

3) Twenty percent (20%) shall be allocated to the apprehending officer who issued the citation ticket.

g. If apprehension is made by a deputized volunteer, the collected amount shall be shared in favor of the following:

1) Forty percent (40%) shall form part of the Solid Waste Management Fund of the municipality.

2) Twenty percent (20%) shall be allocated to the barangay where the violation was committed.

3) Forty percent (40%) shall be allocated to the deputized volunteer apprehending officer.

h. If apprehension is made because of citizen’s arrest, the collected amount shall be shared in favor of the following:

1) Forty percent (40%) shall form part of the Solid Waste Management Fund of the municipality.

2) Twenty percent (20%) shall be allocated to the barangay where the violation was committed.

3) Twenty percent (20%) shall be allocated to the apprehending officer.

4) Twenty percent (20%) shall be allocated to the citizen informant.

i. The collected penalty shall be turned-over to the municipality for proper disposition in accordance with the provision of the existing law and shall accrue to corresponding office as trust fund or individual at the end of the month.

**SECTION 4A.04 - FINES AND PENALTY.** Any violation of the provisions of this Article, the following shall be imposed upon him:

1. First Offense- Fine of Five Hundred Pesos (P500.00)

2. Second Offense- Fine of One Thousand Pesos (P1, 000.00)

1. Third and Succeeding Offenses- Fine of Two Thousand Five Hundred Pesos (P2, 500.00) or imprisonment of Fifteen Days or both fine and imprisonment at the discretion of the court.

**ARTICLE B**

**ISSUANCE OF ENVIRONMENTAL CLEARANCE**

**SECTION 5B.01. Prohibited Act.** No person shall conduct any business in Manolo Fortich without securing an environmental clearance from the Municipal Environment and Natural Resources Office.

**SECTION 6B.02. Definition of Terms. As used in this Article.**

1. Environmental Clearance(MENRO Clearance)refers to the document issued yearly by the Municipal Environment and Natural Resources Office stating the compliance of the establishment on the standard requirements of RA 9003(Ecological Solid Waste Management Act of 2000), RA 9275(Clean Water Act) and other environmental ordinances of the municipality**.**
2. EMB refers to the Environmental Management Bureau.
3. NWRB refers to the National Water Resources Board.

**SECTION 7B.03. Administrative Provisions**

1. Every owner/operator of business, industrial, commercial or agricultural establishment with potential source of pollution/nuisance (air, water, odor, noise, and smoke) shall secure an Environmental Clearance for purposes of enforcement and implementation of existing rules and regulations on environmental concerns.
2. Other permitting requirements deemed necessary for submission subject to applicability prior to the issuance of Environmental Clearance shall be required, such as, but not limited to:
3. Attendance to MENRO Seminar
4. Environmental Compliance Certificate from EMB-DENR
5. Certificate of Non-Coverage from EMB-DENR
6. Permit to Operate from EMB- DENR
7. Discharge Permit from EMB-DENR
8. Quarry Permit from the Provincial Government
9. Hazardous Waste Generator I.D. from EMB-DENR
10. Water Permit from NWRB
11. The duly authorized inspection team of MENRO shall conduct an inspection of all industrial, commercial, and agricultural business establishments in order to determine their propriety of operation pursuant to the existing laws, rules and regulations. Environmental Clearance shall be issued to the owner after such inspection was conducted and found to be compliant to such existing laws, rules and regulations.
12. Renewal of Environmental Clearance – Renewal of Environmental Clearance issued by the MENRO shall be secured within the first month of the current year pursuant to the existing Local Revenue Code and Local Government Code

**SECTION 8B.04. Fines and Penalties** Any violation of the provisions of this article shall be penalized by the following:

a. First Offense – One Thousand (1,000.00) Pesos and advise to comply within thirty (30) days with the requirements of the existing laws, rules and regulations.

b. Second Offense – Two Thousand (2,000.00) Pesos and the notice to cease operation until such time the violator fully complies within another thirty (30) days with the requirements of the existing laws, rules and regulations.

c. Third Offense – Two Thousand Five Hundred (2,500.00) Pesos and the imposition of a Closure Order.

Refusal to pay the fines shall authorize the Local Chief Executive to cause the institution of summary proceedings against the violator, or the filing of necessary criminal charges in court.

**ARTICLE C**

**SOLID WASTE MANAGEMENT**

**SECTION 9C.01. Regulated Act.** Every person shall adopt and practice the ecological solid waste management in every household, business establishments, public and private institutions, agro-industrial plants and factories.

**SECTION 10C.02. Definition of Terms.** As used in this article the following words shall mean;

a. Segregation at source refers to the waste management practice of sorting, categorizing and separating the different waste at the point of origin or source of generation in order to promote recycling and re-use of resources to reduce the volume of accumulated waste prior to final disposal.

b. Recyclable material refers to any waste materials retrieved from waste stream that can still be converted or utilized into other purposes.

c. Reuse refers to the process of recovering the waste materials intended for the same or different purpose without alteration of the physical characteristics of the recovered materials

d. Recycling refers to the process of treating used or waste materials making them suitable for beneficial use and for other purposes and includes any process by which waste materials are transformed into new products

e. Material Recovery Facility Station refers to the designated and or established building or structure designed drop-off center to receive, temporarily store, sort, separate and recover waste before the transfer, transport and final disposal of remaining non-reusable waste into the identified sanitary landfill site.

f. Receptacles refers to the properly marked individual waste containers used for separation or segregation of recyclable materials

g. Market vendors refer to the permanent and/or ambulant vendors mainly engaged in the business activities at the Municipal Public Markets and within its vicinity.

h. Resource recovery refers to the waste stream for the purpose of recycling, generating energy or producing a product suitable for other beneficial use.

i. Compostable refers to biodegradable or compostable materials free from contamination of pathogens, and hazardous substances and considered safe for agricultural use.

j. Composting refers to the controlled decomposition of organic matter by micro-organisms, mainly bacteria and fungi, into a humus-like product.

k. Hazardous waste refers to substances which because of its quantity, concentration or physical or infectious characteristics may:

1. Cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness; or

2. Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed;

l. Residual waste refers to wastes that present no other use or purpose, and cannot be classified as compostable, recyclable, or reusable.

m. Storage refers to the interim containment of solid waste after generation for purposes of segregation and resource recovery prior to disposal.

n. Solid waste refers to any garbage, refuse, sludge and other discarded materials from domestic, industrial, commercial, street sweepings, construction debris, agricultural wastes and other non-hazardous/non toxic wastes.

**SECTION 11C.03. - Administrative Provisions**

a. Mandatory Segregation and Waste Classification

1. That segregation of waste shall be primarily conducted at the source or point of origin, to include household, institutional, industrial, commercial/business establishments and agricultural sources.

2. The segregation of waste shall be primarily conducted and managed at the barangay levels through the established zones specifically for the compostable, recyclable, and reusable waste. Likewise, the barangay shall promote or encourage the involvement of non-government Organizations, People’s Organizations, and similar in activities pertaining to the solid waste management such as segregation, collection, disposal, and others.

3. That the respective Barangay Council shall initiate in the conduct of resource recovery for the compostable, recyclable and reusable waste

4. That proper waste container or receptacles shall be provided to facilitate segregation at source and on-site collection. These shall be a properly identified and marked for each type of waste depending on its classification as to “COMPOSTABLE”, “RESIDUAL”, “RECYCLABLE” AND “SPECIAL WASTES/HAZARDOUS” or any other waste as may be determined by the Municipal Solid Waste Management Board.

5. That waste containers or receptacles shall be properly marked and identified with description following the labeling set forth by the Municipal Environment and Natural Resources Office and correspondingly coded with colors according to the classification of the segregated waste:

|  |  |  |
| --- | --- | --- |
| **COLOR** | **CODE CLASSIFICATION** | **WASTE MATERIALS** |
| **GREEN** | COMPOSTABLE | SOBRA NGA PAGKAON, DAHON UG SANGA SA KAHOY, LISO UG PANIT SA PRUTAS, UTANON, OR BUNOT SA LUBI, PANIT SA ITLOG UG TANAN MALATA NGA BASURA. |
| **RED** | RESIDUAL/CAN BE SHREDDED | CELLOPHANE/STRAW, STYROFOAM, PACKAGING FOIL SA MGA PRODUKTO |
| **ORANGE** | RESIDUAL/SANITARY | GUBA NGA SINILAS UG SAPATOS, DIAPERS, SANITARY NAPKINS, COMFORT ROOM TRASH, BILDO BUAK NGA PLATO, BASO O BOTELYA. |
| **YELLOW** | RECYCLABLE/REUSABLE | PAPEL UG CARTONS, PUTHAW, PLASTIC NGA SUDLANAN, LATA, BOTELYA, BILDO UG UBAN PA NGA ADUNA PAY KAPUSLANAN. |
| **BLACK** | SPECIAL WASTE HAZARDOUS | SPRAY CANISTERS, GUBA NGA FLOURESCENT UG BOMBELYA, BATERYA, GOMA, SUDLANAN SA MGA KEMIKALS, PINTAL, THINNERS, DAGOM UG UBAN NGA WALA NAY KAPUSLANAN UG MAKADAOT SA KINAIYAHAN |

6. That the properly marked waste container or receptaclesshall be of such design as readily to permit handling. They shall also be made suitable and appropriate for containing waste with safety and without leakage or spilling to be sanitary.

b. Establishment of the Material Recovery Facility Station in a Barangay or zone.

1. That there shall be a Material Recovery Facility Station in a Zone or Barangay. The MRFs shall be established in a suitable site based on considerations such as the volume of wastes generation, availability of site for the MRFs and accessibility of garbage collection and transport provision which shall be determined by the Barangay and/or cluster of barangays.

2. The MRFs shall receive the segregated waste according to the prescribed waste classification. The resulting residual non-recyclable and non-reusable waste shall be collected for Sanitary Landfill disposal at designated collection points.

3. That it shall be the duty of the respective Barangay Council to supervise wastes segregation and resource recovery from the household and zones, building premises or place of business within their respective territory.

4. That appropriate duration for the storage of waste in the Material Recovery Facility Station shall be determined by the respective Barangay Council in coordination with the Municipal Environment and Natural Resources Office.

c. Establishment of Compost Pits/Sites/Bins.

1. Compost pits of convenient size must be dug or other similar composting facility must be provided to facilitate rotting of biodegradable wastes in households, business establishments, barangay materials recovery facilities.

2. Composting containers shall be located and designed so that seepage from the compost will not run off into public or private streets, storm sewers, drainage ditches, water retention basins, streams or lakes.

3. All composting must occur in a controlled manner to minimize the creation of odor or other nuisances. Compost materials shall be layered, aerated, moistened, turned and managed to promote effective decomposition of the materials in a safe, secure and sanitary manner.

4. Any composting shall be suspended or terminated if at any time the local authority determines a nuisance exists or that conditions exist constituting a fire hazard or health hazard, or if there is a threat to surface or groundwater from run-off.

d. Requirements for the Collection and Transport of Wastes.

1. That it shall be the duty of the Municipal Environment and Natural Resources Office to collect and transport all non-reusable wastes, and non-compostable wastes from the Barangays at the day and time set by the Municipal Environment and Natural Resources Office upon prior approval of the Municipal Mayor and the same waste shall be transported for final disposal at the Sanitary Landfill/Disposal Site. However, the Barangays depending on their capability may undertake collection of and transport non-recyclable wastes, non-reusable wastes, and non-compostable wastes from the Barangays to the Sanitary Landfill subject to appropriate billing procedures.

2. That it shall be the duty of the respective Barangay Council or its representative to dispose/sell recyclable materials gathered at the designated Material Recovery Facility Stations and the net proceeds thereof shall be used to sustain environmental and sanitation programs and activities of the respective barangays.

3. That the Barangay household collection schedule shall be properly coordinated with the collection schedule of the Municipal Environment and Natural Resources Office to ensure the effective and efficient collection and disposal operation.

4. “No segregation, no collection” policy shall be imposed. Collection and disposal of non-segregated or unsorted wastes and collection of infectious medical and hazardous wastes by the barangay shall be prohibited.

e. That it shall be the duty of the respective administrator owner/manager/proprietor/lessee/occupant of any business, commercial, industrial, utility, private or public establishments, conveyances, and residential houses to provide properly marked segregated garbage receptacles and/or containers at their respective properties. The color-coding as provided in SECTION 5C.03 hereof shall be strictly observed and followed.

f. That the barangays must identify collection points within their jurisdiction from where segregated wastes are collected to ensure that wastes from all areas are catered to

g. Interference with Garbage and Garbage Collection

1. It shall be unlawful for any person to remove/relocate/scatter/spill any wastes after it shall have been put in the properly marked, segregated and coded garbage receptacles, or in any manner interfere in the discharge of official duty of any official garbage collector or MRF in-charge.

2. The removal/relocation or taking away of any coded garbage containers or receptacles from duly designated locations other than that by persons authorized by the municipality/barangay shall be prohibited.

3. Re-mixing of sourced –separated materials with other type of solid waste in vehicle, containers, or receptacles is prohibited.

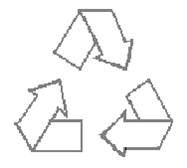
4. Personal protective equipment shall be provided to and used by every personnel directly dealing with collection and disposal of waste to properly safeguard them from the hazards of handling waste.

5. The dumping of garbage on any other place other than the Sanitary Landfill and other designated dumping area is prohibited.

6. Resale or transport for the purpose of sale of any part, damaged portions, or in any form of discarded garbage bins or similar materials intended for such use shall be prohibited. Only the implementing agencies or agencies authorized by the municipality, or respective barangays upon proper clearances shall be allowed to do such final disposal of garbage bins.

7. The manufacture, distribution or use of non-environmentally acceptable materials is prohibited.

h. Environmental Labeling on Plastic as Packaging. All industries, private entities, business/commercial establishment and other institutions that use plastics as packaging shall provide to incorporate environmental labeling on the front side of the plastic so as to be visible to read and comply by the end user as:



“Re-use/Recycle Properly”

MANOLO FORTICH SOLIDWASTE MANAGEMENT BOARD

i). Duties of Residents and Establishments including Catering services

1. All house owners and tenants of residential building and owners, managers, administrator, director, occupants and lessees of any commercial/business establishments including market vendors, industrial, private and government institutions shall be required to clean the area in front of and around their vicinity; 2. Catering services shall be required to provide their own waste receptacles for efficient clean-up and waste segregation at source; shall be responsible in submitting their segregated waste to identified MRF or collection site.

2. That it shall be unlawful for any person to cause for the disposal of garbage other than the allocated waste containers or receptacles at duly specified or designated area.

j. Jurisdiction of Municipal Public Agencies

1. That the Municipal Environment and Natural Resources Office shall be responsible for the general supervision in the segregated collection and disposal of solid waste in the public markets and terminals including the Municipal public cemeteries in coordination with the General Services Division and Market Services who are in charge in the segregation at source, maintenance of cleanliness and upkeep of public places.

2. That the Municipal Environment and Natural Resources Office, General Services Division and Municipal Engineer’s Office in coordination with the respective Barangay Council shall be likewise generally responsible over the cleanliness and proper disposal of waste over public domains particularly rivers, streams, canals, esteros, storm drainage, or in any natural and manmade waterways.

3.That it shall be the duty of the Municipal Agriculture Office and Municipal Veterinary Office to enforce the Ordinance on astray animals who have been the constant source of scattered waste materials in the streets/highways and such enforcement shall be coordinated with the respective Barangay Council.

4. That it shall be the duty of the Municipal Environment and Natural Resources Office, Sanitation Enforcers and/or the Enforcement Body tasked by the Local Chief Executive to issue citation tickets for any violation to this Ordinance.

k. Information Drive. The MENRO in coordination with the General Services Office, Municipal Health Office, Municipal Agriculture/Veterinary Office, Municipal Information Office and all other Municipal Offices and Barangay, Government Agencies or special bodies that may hereafter be tasked by the Local Chief Executive are mandated to conduct extensive education, information campaign regarding this Ordinance and pertaining Laws, Rules and Regulations on Solid Waste Management.

**SECTION 12C.04. Fines and Penalties.** Any person who violates any provision of this Article shall be imposed upon him a fine of P2, 000 for the first offense and in addition, mandatory sorting of disposed waste if mixed waste is disposed to the landfill and P2, 500 for the second offense and cancellation of business permit.

**ARTICLE D**

**CONSTRUCTION OF MATERIALS RECOVERY FACILITY**

**SECTION 13D.01 - Regulatory Acts**. No person shall be granted permit for housing subdivision projects or building permit for business establishments providing office, work space, training or teaching place or dwelling for two hundred people (200) or more without the provisions of materials recovery facility, composting and segregation facilities for garbage waste disposal system to be incorporated in the subdivision development plan or site development plan.

**SECTION 14D.02**. - **Definition of Terms.** As used in this Article

a) Person refers to any private individual or corporation engaged in housing subdivision programs and projects for sale to the public.

b) Ecological Solid Waste Management refers to the systematic administration of activities for segregation at source, segregated transportation, storage, transfer, processing, treatment and disposal of solid waste management activities harmless to environment.

c) Solid Waste refers to all discarded household, commercial waste, non-hazardous institutional and industrial waste, street sweeping, construction debris, agricultural waste and other non-hazardous and non-toxic solid waste.

d) Materials Recovery Facility refers to a depository structure with cubicles designed as drop-off center for households’ solid waste particularly plastic bottles, tins/aluminum cans, papers/cartoons, metals where sorting is processed to classify recyclables and residual wastes before the transfer, transport as final disposal of remaining non-reusable waste to identified sanitary landfill site.

e) Recyclable Waste refers to any waste material retrieved from the waste stream and free from contamination that can still be converted into suitable beneficial use and can be transformed into new products in such a manner that the original products may lose their identity.

f) Residual Waste refers to solid waste materials that are non-compostable and non-recyclable that should be ecologically managed through the use of Alternative Technologies or disposed through an ecologically sound disposal facility.

g) Compostable Waste refers to biodegradable wastes such as food waste, garden waste and animal waste that undergo degradation under controlled conditions and can be turned into compost (soil conditioner or organic fertilizer) by mixing them with soil, water, air and biological additives/activators.

h) Special Waste refers to household hazardous wastes such as paints, thinners, batteries, spray canisters and the likes, including consumer electronics, oils and tires which must be handled separately to avoid hazard on human health or the environment.

i) Municipal Environment Monitoring Team refers to a special body created to oversee compliance of local environmental ordinances, environmental laws such as RA 9003 (Ecological Solid Waste Management Act of 2000), RA 9275 (Clean Water Act), RA 8749 (Clean Air Act) and other sanitation laws by all developmental projects and investments in the municipality.

**SECTION 15D.03**. **Administrative Provisions**

1. Subdivision developers shall provide 1 unit each for Materials Recovery Facility, Composting Facility and Containment Area for Special Wastes in every 200 units/households. Proposed location shall be assessed by the Municipal Environment Monitoring Team as to suitability and accessibility of area to the residential units.

2. Developers of buildings intended to provide office, work space or dwelling for two hundred (200) people or more must put up a materials recovery facility, composting and segregation facilities for garbage waste disposal system.

3. The constructed MRF must have a roofed area of at least 50 square meters, concrete flooring and enclosed perimeter fence. It should have the following components: receiving area, sorting area, storage area for recyclables, residuals storage area, management area and loading area with adequate space for entry and exit of garbage truck.

4. Respective barangays where the subdivision or establishment is located shall issue certification to handle the collection of their residual wastes.

5. Residents’ Association shall be required to undergo orientation for solid waste management and MRF operations at the Municipal Environment and Natural Resources Office.

1. The Sangguniang Bayan of Manolo Fortich, Bukidnon reserves the right to deny any application for Housing Subdivisions if the specified environmental sanitation facilities are not reflected in the Development Plans as well as constructed as designed.

7. MRFs must have been constructed prior to the issuance of Certificate of Completion by the HLURB, subject to the endorsement of the Sangguniang Bayan.

8. Non-conformity to the standard design and size of the required facilities against the submitted building plan shall not be recognized by the Local Government.

9. The Municipal Environment Monitoring Team shall implement and monitor compliance of the provisions of this Article and may formulate additional rules and regulations to ensure effective, efficient and enhanced implementation of this article.

**SECTION 16D.04. - Fines and Penalties.** Any person, who violates any provision of this Article, shall be imposed upon him a Fine of Two Thousand Peso (P2, 000.00). If still not complied within 30 days, a penalty of another Two Thousand Five Hundred Pesos (P2, 500.00) shall be imposed as 2ndoffense and the denial of permit to engage in the construction and development and issuance of occupancy permit for housing subdivisions and commercial buildings in the municipality.

**ARTICLE E**

**ANTI-LITTERING**

**SECTION 17E.01** - **Prohibited Act.** No person shall indiscriminately litter, throw or dispose garbage, rubbish or any kind of waste from residential, commercial or business establishments in the immediate surroundings, open spaces, public places, river easements, drainage facilities, government owned buildings, establishments and other premises.

**SECTION 18E.02** - **Definition of Terms.** As used in this Article:

1. Littering refers to dropping of any objects or trash directly on the ground or anywhere instead of disposing in proper waste receptacles provided in public places;
2. Public Place refers to places like schools, markets, government offices, government buildings, churches, clinics, eating places, sports & recreational places, health centers, vehicles, department stores and other places where people stay or gather for educational, political, religious, social, sports or entertainment purposes.
3. Open Space refers to streets, parks, alleys, overpasses, canals, drainage and esteros.
4. Domestic Waste refers to food spoilages, plastics trimmings, metals, cloth pieces, rugs, wood cuttings and other wastes coming from households.
5. Segregation at Source refers to the waste management practice of sorting, categorizing and separating different wastes at the source of waste generation in order to apply recycling or reuse to reduce accumulated waste prior to final disposal.
6. Immediate surrounding refers to the premises of dwelling places, establishments or buildings whether private or public, sidewalks, street allowances and vacant areas between establishments or buildings.
7. Disposal refers to the discharge, deposit, dumping, spilling, leaking or placing of wastes of any kind.
8. Industrial Waste refers to organic or inorganic residues, materials, hazardous, chemicals or wooden refuse from industrial establishments/sources.
9. Junk and Bulk Wastes refers to waste materials which cannot be stored by containers due to its size, shape and other physical attributes. These include worn-outs or broken household wastes, commercial and industrial items such as furniture, lamps, bookcases, filing cabinets, abandoned vehicles, equipment, containers, appliances and other similar items.
10. Materials Recovery Facility Station refers to the designated and or established structure designed as drop-off center to receive, temporarily store, sort and recover wastes before transfer, transport to final disposal of non-reusable wastes into sanitary landfill facility.
11. Receptacle refers to the properly marked waste containers used for segregated wastes.
12. Collection refers to the hauling of solid waste from different sources such as households, commercial, institutional and industrial establishments or from a communal storage point.
13. Biodegradable Waste refers to any material that can be reduced into finer particles, degraded or decomposed by microbiological or enzymes commonly termed as compostable.
14. Hazardous Waste refers to substances which because of its quantity, concentration or physical, chemical or infectious characteristics may:
15. Cause or significantly contribute to an increase in mortality or an increase  in serious irreversible, or incapacitating reversible, illness; or;
16. Pose a substantialor present potential hazard to human health or the environment wh

en improperly treated, stored, transported, or disposed of, or otherwise managed;

1. Residual Waste refers to wastes determined after sorting process with no more classification either among others such as compostable, recyclable, or reusable.
2. Special waste refers to hazardous household wastes such as paints, thinners, household batteries, lead-acid batteries, spray canisters and the like. These include wastes from residential and commercial sources that comprise of bulky wastes, consumer electronics, white goods, yard wastes that are collected separately, batteries, oil, and tires. These wastes are usually handled separately from other residential and commercial wastes.

**SECTION 19E.03** - **Administrative Provisions.**

1. Littering, throwing, dumping of waste matters in public places such as roads, sidewalks, canals, esteros or parks, and establishment, or causing or permitting the same is prohibited.
2. Duties and Responsibilities
3. It is the moral duty of each and every owner and/or tenant of any residential building to clean the area within his/her premises and its immediate surroundings nearest the building of any dead animals and rodents, broken or empty porcelain, used or empty bottles, cans, canisters, cigars, cigarettes or grass, waste, or used paper, fruit peelings, plastic or plastic rubber, rags, fallen leaves, twigs or branches of trees, swift and all forms of garbage, rubbish, trash or waste materials. With respect to buildings enclosed with walls, or fence, the immediate surrounding shall include the five meter distance measured from the nearest wall or fence.
4. Each homeowner, tenant, manager or person-in-charge of any room or space therein shall provide a receptacle in which he shall deposit or cause to be deposited all garbage, rubbish, trash or waste materials and which receptacle shall be maintained in sanitary condition at all times by him or his representative and placed in such a location that is accessible but not obtrusive to the pedestrians.
5. No person shall knowingly rake or deposit, organic materials or mixed municipal solid waste on or into public or private streets, plazas (unless allowed by the local authority during clean –up drives), storm sewers, drainage ditches, water retention basin, streams or lakes.
6. In the case of commercial or industrial buildings, the responsibility mentioned in the next preceding article shall be borne by the manager or person’s in-charge of the entity occupying the building or space therein and the owners of the buildings jointly if it is a juridical entity the manager or person in charge shall be held responsible.
7. It is the responsibility of the owner/driver of public utility vehicle plying in Manolo Fortich to install a modest trash/receptacle with lid in a conspicuous area inside the vehicle and obliged to clean and maintain the cleanliness of their respective vehicle at all times.
8. Responsibility of the homeowner, tenant, manager or person-in-charge to segregate their garbage at source and coordinate with the Municipal Environment and Natural Resources Office so that the residual waste shall be collected regularly and properly disposed. Upon collection, garbage shall be brought out on the property line of residential and commercial establishments or established collection point, it must be stored in properly sealed plastic containers and to be brought outside only upon arrival of the authorized garbage hauling trucks in their respective localities.
9. All pedestrians shall also be held responsible for the maintenance of the cleanliness and orderliness sought to be achieved under this ordinance.
10. Conduct of inspection and Supervision

The Municipal Environment and Natural Resources Office and the Barangay Police and Anti-littering Task Force are mandated to apprehend, implement and supervise the implementation of this ordinance and to conduct regular inspection in residential, commercial establishments anytime from 6:30 a.m.- 8:00 p.m. in order to ascertain and establish the strict observance of this ordinance. Random inspection shall be conducted from time to time by the Anti-Littering Task Force during the period from 12:00 midnight to 6:00 a.m. to deter dumping in bulk.

**SECTION 20E.04. Fines and Penalties.**

1) The fees to be collected for hauling of illegal dumping of bulky waste, factory/construction waste and other similar in nature that requires hauling and towing shall be paid directly to the person or agency that provides the necessary tools or equipment.

2) Any person or entity violating the provisions of this Article, the following fines shall be imposed:

1. For Individuals/ Homeowners
2. First Offense - a fine of Five Hundred Pesos (P500)
3. Second Offense- a fine of One Thousand Pesos(P1,000.00)
4. Third Offense and succeeding offenses - A fine of Two Thousand Five Hundred Pesos(P2,500.00)
5. Commercial/Industrial/Institutional Entities
6. First Offense – A fine of One Thousand Pesos(P1,000.00)
7. Second Offense- A fine of One Thousand Five Hundred Pesos(P1,500.00)
8. Third Offense and succeeding offenses- A fine of Two Thousand Five Hundred Pesos (P2, 500.00) and revocation of Business Permit or non Renewal of Business Permit.

**ARTICLE F**

**USE OF PLASTIC BAGS/POLYSTYRENE**

**SECTION 21F.01. Prohibited Acts.**  No plastic bags shall be utilized as secondary packaging or carry out bag and no polystyrene containers shall be used for packed meals and other food products.

**SECTION 22F.02. Definition of terms.** As used in this article

a) Relevant retailer refers to an establishment within the geographical limits of Manolo Fortich which are regularly engaged in retail business and duly registered as one such as : shopping malls, hypermarts, supermarkets, department stores, grocery stores, sari-sari stores, fast food, caterers, drugstores, pharmacy and wet & dry markets.

b) Reusable bag refers to a carryout bag that is specifically designed and manufactured for multiple use and is either made of cloth or other washable fabric or durable plastic or indigenous materials such as banig bags, rattan, buri, etc.

c) Primary packaging material refers to those types of packaging for containing wet produce, goods and materials.

d) Secondary packaging materials refer to a packaging material for goods that provide support to the primary packaging and are intended for the convenience of the handler.

e) Used old plastic bag refers to old or second-hand plastic carryout bags with handles, holes or string usually made from HDPE, LDPE/LLDPE and PP plastic material or any other type of recyclable plastic materials.

f) “PP’ means polypropylene plastic or type 5 plastic material such as used in packaging tape, ropes, plastic bottle tops and covers etc. (source: learn.eartheasy.com)

g) “HDPE” means High Density Polyethylene plastic or type 2 plastic materials that is recyclable and dense such as used in waste bins, detergent, oil bottles, etc.

h) “LDPE and LLDPE” means Low Density and Linear Low Polyethylene plastic or type 4 plastic material, and has the simplest plastic polymer such as those used to package bread and most of the grocery bags.

i) “MDPE” means Medium-Density Polyethylene plastic are less opaque than “HDPE” but not as clear as “LDPE” typically used for “squeezy” bottles ideal for liquid storage.

j) Polystyrene refers to a rigid, glassy thermoplastic that is derived from petroleum. This includes the modified polystyrene known as Styrofoam.

**SECTION 23F.03. Administrative Provisions.**

a. Regulations on the Use of Plastic Bags. The following regulations shall be imposed on the use of plastic bags as carryout bags or secondary packaging materials:

a.1) Distribution of carry out plastic bags by “relevant retailers” is prohibited.

a.2) Stall owners/lessees in wet and dry markets will not be allowed to directly distribute plastic bags as defined in this article. The market management shall assign areas within the market where these plastic bags may be purchased with corresponding transaction receipt.

a.3) Plastic bags with no handles, holes or strings commonly used for wrapping unpacked fresh foods and cooked food at supermarkets, wet & dry markets, restaurants, canteens and the like shall not be included under the scheme as usage of such plastic bags is justified on the grounds of public hygiene. This falls under primary packaging.

a.4) Utilizing polystyrene as packaging container for packed food, drinks and other food products is strictly prohibited.

a.5) All relevant retailers shall provide reusable bags as carryout bags of various appropriate sizes to be purchased by the consumer for a minimum fee in case customer prefers over provided reusable carry out paper bags. It will be made available in the respective checkout counters of the stores to purposely promote multiple use bags and eliminate the use of plastic bags as carryout bag.

a.6) Old plastic bags brought from home by the shopper for reuse may be allowed for secondary packaging of purchased goods.

b)All Shopping Malls and grocery stores are likewise directed to implement their own recyclables trading activity in their respective areas to ensure that there will be enough venues where used plastic bags as well as other recyclable materials may be redeemed. The relevant retailer may also designate additional venue for the recyclables trading activities to help promote recycling and reuse.

c) To ensure the implementation of this article, the Municipal Mayor thru the Municipal Environment Monitoring Team composed of the MENRO, MEO, MPDC, MAO, MHO, and DENR-CENRO together with the License and Permit Division and the Liga ng mga Barangay shall formulate and implement the implementing Rules and Regulations of this article.

**SECTION 24E.04. Fines and Penalties.** Any person who violates shall be imposed upon him a fine of P2, 000 for the first offense and P2, 500 for the second offense and cancellation of business permit.

**ARTICLE G**

**MANAGEMENT OF SPECIAL AND HAZARDOUS WASTES**

**SECTION 25G.01**. **Regulated Acts**. No person shall dispose special wastes and hazardous wastes without proper permits from the Department of Environment Natural Resources Office (DENR).

**SECTION 26G.02. Definition of Terms**. As used in this Article:

a) Special waste refers to hazardous household wastes such as paints, thinners, household batteries, lead-acid batteries, spray canisters and the like. These include wastes from residential and commercial sources that comprise of bulky wastes, consumer electronics, white goods, yard wastes that are collected separately, batteries, oil, and tires.

b) Hazardous Waste refers to substances which because of its quantity, concentration or physical, chemical or infectious characteristics may:

1. Cause or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness; or;

2. Pose a substantial or present potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed;

c) Disposal refers to the discharge, deposit, dumping, spilling, leaking, or placing of any solid wastes into or in any land.

d) Oil Spill refers to the release of liquid petroleum hydrocarbon or any lubricant directly on the surface soil, water bodies and the environment.

**SECTION 27G.03. Administrative Provisions**

a) Bulky wastes and electronic wastes shall be separated from domestic wastes.

b) Collection of dilapidated furniture, broken appliances and old tires shall be coordinated by the household to the barangay for monitoring and scheduling.

c) Tree cuttings shall be cut into less than one (1) meter in length and bundled into convenient weight while grass cutting and other yard wastes shall be put into sacks for easy handling and collection.

d) Collection and disposal of construction debris is not the responsibility of the Municipal Government. It is the responsibility of the owner or contractor hired for construction.

e) Household hazardous wastes such as busted fluorescent lamps and spent batteries shall also be separated from domestic wastes and must not be included in the disposal of residual wastes.

f) Busted fluorescent lamps and spent batteries from the households shall be brought to the barangay Materials Recovery Facility for proper storage until collection is arranged with proper transporter and treater in coordination with the Municipal Environment & Natural Resources Office.

g) Collection of busted fluorescent lamps, spent batteries and other toxic and hazardous wastes from industries and institutions is not the responsibility of the Municipal Government. Undertaking activities or operating, collecting or transporting toxic materials without proper permits from DENR is prohibited. Managers, operators and head of the commercial and business establishments, industries and institutions are required to hire the services of DENR – accredited toxic and hazardous wastes treaters for the proper collection, transport, treatment and disposal of the busted fluorescent lamps, spent batteries and other toxic and hazardous wastes.

h) Electronic wastes shall be separated and brought to proper trading entities for proper disposal.

i) Used or waste oils must be properly stored, labeled and segregated awaiting treatment or disposal.

j) Oil spills are not allowed. Oil spills in auto or motor repair shops or spare part shops allowing on-site repairs shall be a responsibility of the owner of the establishment.

**SECTION 28G.04**. - **Fines and Penalties**. Any person who violates any provisions of this Article, the following shall be imposed upon him:

1st Offense - Fine of One thousand Pesos (P1,000.00) and mandatory clean-up of spills.

2nd Offense - Fine of Two thousand Pesos (P2,000.00) and mandatory clean-up of spills.

3rd& Succeeding Offenses - Fine of Two thousand five Hundred Pesos (P2,500.00) and closure of establishment until compliance is sought.

**ARTICLE H**

**DISPOSAL AND WASHING OF PESTICIDE CONTAINERS**

**SECTION 29H.01** - **Prohibited Act**. No person, natural or juridical, shall dispense, dispose and wash containers, sacks, vehicles contaminated with pesticides and other toxic chemicals in rivers, creeks and easement areas or drain such washings directly into canals without proper waste water treatment.

**SECTION 30H.02 - Definition of Terms.** As used in this Article

1. Person refers the one who disposes or washes containers, sacks, vehicles contaminated with pesticides and other toxic chemicals.
2. Pesticide refers to substances used to eliminate or control plant, fungal, insect or animal pests.
3. Toxic Chemical refers to substances, which when inhaled or ingested or if it penetrates the skin, may involve acute or chronic health risk including carcinogenicity, mutagenicity, or teratogenicity on human or other life forms.
4. Storage Facility refers to a facility where supply or stock is stored for future use, safekeeping or disposal.
5. Disposal refers to the collection, sorting, transport and treatment of wastes, as well as its storage.
6. Easement area refers to the entire area or length as defined in the Presidential Decree (P.D.) No. 1067 or the Water Code of the Philippines and other related laws on easements, where washing poses threat to water quality.

**SECTION 31H.03 - Administrative Provisions.**

1. A Water Quality Task Force composed of personnel from the Municipal Environment and Natural Resources Office, Municipal Health Office, Sanitary Inspectors and Barangay Officials shall be created to monitor any activities and create action plans and mechanisms in preventing pesticide and toxic chemical contamination of rivers, creeks and other water bodies.
2. Pesticide containers must be properly stored and separated in a manner that does not threaten human health or the environment at a storage facility awaiting collection and treatment by accredited entities.
3. Any harm to the environment resulting from the disposal of such chemicals will also be the responsibility of the violator. Necessary actions and precautionary measures to contain the disposed chemicals shall be at their expense.

**SECTION 32H.04. - Fines and Penalties.** Any person who violates the provisions of this Article shall be imposed upon him a fine of P2, 500.00 and mandatory containment of chemical or an imprisonment of not less than 30 days or both fine and penalty at the discretion of the court.)

**ARTICLE I**

**PROVISION OF GARBAGE RECEPTACLES IN PUVs**

**SECTION 33I.01** - **Regulated Acts.** Any person operating a public utility vehicle shall provide a garbage receptacle in their unit.

**SECTION 34I.02** - **Definition of Terms**. As used in this Article.

a) Person refers to an owner, operator or driver of public utility vehicles.

b) Public Utility Vehicles (PUVs) refers to multi-cabs, jeepneys, vans, buses or any type of passenger motor vehicle for public use.

c) Garbage receptacle refers to labeled trash bin purposely provided for passengers to dispose wastes to prevent throwing along thoroughfares, streets, roads and highways.

**SECTION 35I.03** -**Administrative Provisions**

a) Operators shall be required to undergo seminar on Environmental Laws and Municipal Ordinances on Solid Waste Management at the Municipal Environment and Natural Resources Office prior to the issuance of **MENRO** Clearance.

b) No public utility vehicles can operate without garbage receptacles placed inside the vehicles.

c) It shall be the duty of the driver to remind passengers to dispose their wastes at the provided bins. The contents of the bins must be emptied and disposed of properly.

d) The operator shall be the one penalized when a passenger is caught throwing garbage along streets while riding.

e) A task force for the monitoring and enforcement of this Ordinance shall be organized by the Local Government.

**SECTION 36I.04** –**Fines**. Any person who violates any provision of this Article shall be imposed upon him the following:

1st Offense -Fine of Five Hundred Pesos P 500.00

2nd Offense -Fine of One Thousand PesosP1, 000.00

3rd Offense -Fine of One Thousand Five Hundred Pesos (P1, 500.00) fine with re-orientation seminar at MENRO for Environmental Laws.

**ARTICLE J**

**BAN ON OPEN BURNING**

**SECTION 37J.01. - Prohibited Act**. No person shall engage in burning of trash, yard waste, industrial waste, domestic, and solid waste or any refuse in any open places and immediate surrounding within the territorial jurisdiction of Manolo Fortich.

**SECTION 38J.02. Definition of Terms.** As used in this Article.

a) Public Place refers to places like schools, markets, government offices, government buildings, churches, clinics, eating places, sports & recreational places, health centers, vehicles, department stores and other places where people stay or gather for educational, political, religious, social, sports or entertainment purposes.

b) Open Space refers to streets, parks, alleys, overpasses, canals, drainage, esteros, creeks and rivers easements and other water bodies.

c) Open burning refers to the form of burning where the products of combustion are emitted directly into the atmosphere without passing through a stack, chimney or other enclosure.

d) Domestic Wastes refer to food spoilage plastics, trimmings, metals, cloth pieces, rugs, wood cuttings and other wastes coming from households.

e) Solid wastes refer to any garbage, refuse, sludge and other discarded materials from domestic, industrial, commercial, street sweepings, construction debris, agricultural wastes and other non-hazardous/non toxic wastes.

f) Immediate surrounding refers to the premises of dwelling places, establishments or buildings whether private or public, sidewalks, street allowances and vacant areas between establishments or buildings**.**

g) Industrial waste refers to organic or inorganic residues, materials, hazardous, chemicals or wooden refuse from industrial establishments/sources.

h) Yard waste refers to wood, small or chipped branches, leaves, grass clippings, garden debris, vegetable residue that are recognizable as part of a plant or vegetable.

**SECTION 39J.03. Administrative Provisions.**

a) The Municipal Environment and Natural Resources Office in coordination with the deputized enforcers shall monitor the compliance of the provisions of this Article and may formulate additional rules and regulations to ensure effective, efficient and sustainable implementation thereof.

b) Any violator caught shall be issued a citation ticket subject to the provisions therein. For failure to comply within the prescribed period, the Municipal Government may file a case before the proper court.

**SECTION 40J.04. - Fines and Penalties.** Any person who violates the provisions of this Article, the following shall be imposed:

a. First Offense-Fine of Five Hundred Pesos (P500.00)

b. Second Offense**-** Fine of One Thousand Five Hundred (P1, 500.00)

c. Third and Succeeding Offenses**-** Fine of Two Thousand Five Hundred Pesos (P2,500.00) or imprisonment of Fifteen Days or both fine at the discretion of the court.

**ARTICLE K**

**BAN ON OPEN DUMPING**

**SECTION 41K.01. Prohibited Act.** No person shall dump their solid wastes in any public place, open spaces and immediate surroundings.

**SECTION 42K.02. Definition of Terms. As used in this Article.**

a) Public Placerefers to places like schools, markets, government offices, government buildings, churches, clinics, eating places, sports & recreational places, health centers vehicles, department stores and other places where people stay or gather for educational, political, religious, social, sports or entertainment purposes.

b) Open Place refers to streets, parks, alleys, overpasses, canals, drainage, esteros, creeks and rivers easements and other water bodies.

c) Domestic Waste refers to food spoilage plastics, trimmings, metals, cloth pieces, rugs, wood cuttings and other wastes coming from households.

d) Open Dumping refers to the indiscriminate disposal of any garbage, refuse, sludge and other discarded materials from domestic, industrial, commercial or any other source without due planning and consideration for environmental health standards.

e) Immediate Surrounding refers to the premises of dwelling places, establishments or buildings whether private or public, sidewalks, street allowances and vacant areas between establishments or buildings.

f) Industrial Waste refers to organic or inorganic residues, materials, hazardous, chemicals or wooden refuse from industrial establishments/sources.

**SECTION 43K.03. Administrative Provisions.**

a) Transport and dumping of collected domestic, industrial, commercial and institutional wastes in areas other than the center prescribed by law is prohibited.

b) Open dumping and burying of mixed wastes shall be prohibited especially in rivers, creeks, lakes and flood prone areas. The Municipal Environment and Natural Resources Office in coordination with the deputized enforcers shall monitor the compliance of the provisions of this Article and may formulate additional rules and regulations to ensure effective, efficient and sustainable implementation thereof.

c) Any violator caught shall be issued a citation ticket subject to the provisions therein. For failure to comply within the prescribed period the Municipal Government may file a case before the proper court.

**SECTION 44K.04. Fines and Penalties.** Any person who violates ANY provisions of this Article shall be penalized with the following:

1. First Offense- Fine of Five Hundred Pesos (P500.00) per sack

2. Second Offense-Fine of One Thousand Five Hundred Pesos Thousand Pesos (P1, 500.00) per sack

3. Third and Succeeding Offense-Fine of Two Thousand Five Hundred Pesos (P2, 500.00)or imprisonment of Fifteen Days or both fine at the discretion of the court.

**ARTICLE L**

**MANDATORY PROCESSING OF VOLUMINOUS RESIDUAL WASTE**

**SECTION 45L.01. Regulated Acts**. No person or business/industrial entity shall dispose to the landfill voluminous residual waste without prior shredding, densifying and other waste reduction processing technique.

**SECTION 46L.02**. **Definition of Terms**. As used in this Article

a. Voluminous Residual Waste refers to non-reusable wastes that are bulky or occupying great volume or takes up a lot of space.

b. Shredding refers to cutting or tearing of something into shreds or tiny strips or pieces.

c. Densifying refers to a process of compression under heat and pressure in order to achieve greater density and hardness.

d. Waste Reduction Technique refers to processes and innovative procedures that result in reduction of waste volume or waste minimization.

e. Industries refer to establishments or companies involved in production of goods for sale in large quantities like a factory, producing to organic or inorganic residues, materials, hazardous, chemicals, electrical or wooden refuse

**SECTION 47L.03**. **Administrative Provisions.**

1. This ordinance shall cover industries with residual waste disposal of more than 8 cu.m. per week.

2. The Municipal Environment and Natural Resources Office shall assess the disposal trend of industries and inform industries of any need for shredding, densifying or application of other waste reduction processes prior to disposal. Based on records of disposal a notification will be served by the MENRO the disposal per week exceeds 8 cu.m. and that shredding is already required as stipulated in this ordinance. Upon notification, the industry shall be given 60-days to comply after which fines and penalties shall be imposable.

**SECTION 48L.04. Fines and Penalties**. Any person violating any provisions of this article shall be imposed by the following;

* 1. 1st Offense - P 500.00 per sack
  2. 2nd Offense - P 1,000.00 per sack
  3. 3rd Offense - P 2,500 per sack and refused disposal

**ARTICLE M**

**BAN ON THE PURCHASE, SALE, LEASE & USUFRUCT OF LANDS**

**SECTION 49M.01. Prohibited Act**. No person shall purchase and sell areas within the Natural Park Protected areas and buffer zones and its adjoining timberland areas.

**SECTION 50M.02. Definition of Terms**. As used in this Article.

a. Person refers to a natural or juridical personality.

b. Protected Area refers to identified portions of land and water set aside by reason of their unique physical and biological significance, managed to enhance biological diversity and protected against destructive human exploitation.

c. Buffer Zone refers to an identified area outside the boundaries of and immediately adjacent to designated protected areas that need special development and control in order to avoid or minimize harm to the protected area.

d. Natural Park refers to a large area not materially altered by human activity where attractive resource use are not allowed and maintained to protect outstanding natural and scenic areas of national or international significance for scientific, educational and recreational use such as Mt. Kitanglad and other declared protected area.

e. Biodiversity refers to the existence of plants and animals in a given area that supports their continuing interaction and diverse nature and characteristics.

f. Protected Area Management Board–refers to a multi- sectoral body, authorized and tasked to administer and supervise the park’s policies and activities.

g. Usufruct refers to the use of land of the public domain temporarily by the government and/or private individual.

h. Timberland refers to land of the public domain which has been the subject of the present system of land classification determined to be needed for forest purposes. Eventually, those lands will be proclaimed as forest reserves by the President.

**SECTION 51M.03 -Administrative Provisions**.

1.The purchase, sale, encumbrance, mortgage, usufruct or lease of lands within the Protected Area (PA) and its adjoining timberland areas to persons outside the PA not otherwise qualified to hold lands therein shall be invalid unless verified and validated by the PAMB and the CENRO concerned, respectively. Provided, that verification and validation by the forestry laws and regulations and in particular RA 8978 in the utilization of the said land.

2. Exemption. Usufruct of land by government and/or private individual for the purpose of research and other intention that will promote biodiversity, conservation and sustainable development of the protected area shall be allowed only upon approval by the Protected Area Management Board (PAMB) and/or concerned government authorities. Provided further, that such exemption shall carry with it Free and Prior Informed Consent (FPIC) to be secured from the National Commission on Indigenous Peoples (NCIP).

3.Any public officer or officer of the law, who, in dereliction of the duties of his/her office, who shall maliciously refrain from instituting prosecution for the punishment of violators of the law, or shall tolerate the commission of prohibited acts shall carry the penalty stipulated in this ordinance without prejudice to the filing of charge for perpetual disqualification from public office against such erring officer.

4. Any person who shall induce another or conspire to commit any violation of this SECTION shall be liable in the same manner as the one actually performing the act.

5. Regulatory Body. A regulatory body shall be created by the Municipal Council of Manolo Fortich to recommend future policies, monitor and evaluate area development and recommend amendments to this Article.

**SECTION 52M.04 –Fines and Penalties**. Any person who violates any provision of this article, the following shall be imposed upon him:

* 1. First Offense- a fine of One Thousand Pesos (P1,000.00)
  2. Second Offense – A fine of One Thousand Five Hundred Pesos (P1,500.00)
  3. Third Offense – A fine of Two Thousand Five Hundred Pesos (P2,500.00) without prejudice to the filing of a criminal case for violation of the Mt. Kitanglad Range Protected Area Act of 2000 (RA 8978) and the Revised Forestry Code (PD 705)

**ARTICLE N**

**BAN ON PASTURING AND TETHERING OF ANIMALSIN TREE PARKS, PUBLIC PLACES AND BANKS OF RIVERS AND STREAMS**

**SECTION 53N.01 – Prohibited Act.** No person shall pasture animals within the barangay tree growing sites, at the plaza and along the barangay, municipal, provincial and national highways and other areas not owned by the animal owner or without authority of the owner or in any other public place and banks of rivers and streams.

**SECTION 54N.02 - Definition of Terms.** As used in this Article

a. Person refers to any owner or caretaker of farm animals such as carabaos, cattles, horses, goats, sheep, and the like.

b. Grassland refers to vast open field owned by state and dominated with grasses.

c. Grazing land refers to grasslands utilized as pasture area for farm animals.

d. Tree Parks refers to an area intended for tree plantation or tree growing required for all barangays to establish reforestation and restoration program of the municipality.

e. Reforestation Program refers to one of the 15 Special Projects of the Local Government as among the urban greening approach to address global warming.

**SECTION 55N.03 - Administrative Provisions.**

1. The Barangay Government Units shall utilize and allocate at least two (2) hectares of open grasslands within its territory as tree growing sites and tree parks in respective barangays to provide a wholesome and green environment.
2. The barangays through the Municipal Environment and Natural Resources Office shall verify the status of grassland is at the Community Environment and Natural Resources Office-DENR Manolo Fortich to make it free from conflicting claims.
3. There should be a tenurial instrument issued by the DENR approving the utilization of grasslands for Barangay Tree Parks purposes.
4. The Barangay shall formulate Barangay Ordinance declaring the area as “Barangay Tree Park”.
5. Installation of any structures or improvements within identified tree parks other than fence and signage’s is strictly prohibited.
6. Citation tickets shall be issued by deputized environmental enforcers to owners of animals pasturing within the barangay tree growing sites, at the plaza and along the barangay, municipal, provincial and national highways and other areas not owned by the animal owner or without authority of the owner.
7. All animals found pasturing in prohibited areas will be impounded in the barangay subject to issuance of citation ticket and payment of fines.

**SECTION 56N.04 –Fines and Penalties.** Any person violating any provisions of this article the following shall be imposed:

* 1. 1st Offense - Fine of One Thousand Pesos(P 1,000.00)
  2. 2nd Offense- Fine of One Thousand Five Hundred Pesos(P 1,500.00).
  3. 3rd Offense- Fine of Two Thousand Five Hundred Pesos (P 2,500.00) and impounding of animal in the possession of the Barangay

**ARTICLE O**

**PROVISION OF GREEN SPACE AREAS IN INDUSTRIAL SITES**

**SECTION 57O.01. - Regulated Act**. Any person who establishes and operates an industrial investment shall provide and maintain a green belt area within its premises.

**SECTION 58O.02. - Definition of Terms**. As used in this Article;

a) Green Space refers to zone of land designated as parks, landscaping area, open space or Tree Park and preserved from urban development or building construction. This does not include the parking spaces and road networks within the property.

b) Industrial Establishment includes ice plants, power plants, pumping plants, cold storage and creameries, factories and workshops using incombustible and non-explosive materials, storage and sales rooms for incombustible and non-explosive materials.

**SECTION 59O.03.Administrative Provisions**.

a) A minimum of 10% of the total land area shall be provided as green space of all new and proposed industrial projects within the geographical limits of Manolo Fortich. This is to mitigate impact to environment and minimize the potential nuisances such as dirt, litter, foul odour or unsightly views.

b) The following are the allowable uses/activities in green spaces:

b.1) Planting suitable trees as screen fencing shall be spaced to achieve the maximum screening effect and aesthetics of the green area;

b.2) Where a good quality top soil exists, it shall not be removed and shall be preserved for finishing grades of yards, garden or landscaping area.

b.3) Grass, shrubs, plants and other landscaping materials use for ground cover shall be planted as to allow complete and permanent cover of the area.

c) Any concreting works shall not be allowed in the area identified as green space within the development site of all new and proposed industrial projects.

d) The green space must be incorporated in the site development plan.

**SECTION 60O.04-Fines and Penalties.** Any person who violates any provisions of this article, shall be penalized by a fine of P2, 500.00 and after due notice, he shall be advised to submit a revised development plan, otherwise clearances/permits shall be revoked.

**ARTICLE P**

**TREE GROWING**

**SECTION 61P.01. - Regulated Act.** All individuals, Non-government Organizations (NGOs), other institutions/organizations, public and private sectors, are mandated to plant, protect and maintain trees and other vegetation within their respective areas of jurisdiction especially under-utilized grassland, grazing lands, pasture leased land areas and tree parks.

**SECTION 62P.02. Definition of Terms.** As used in this article;

a) Person refers to a landowner, lessee, contract worker, claimant, actual tiller/tenant or a corporation occupying an area of land devoted primarily to agro-livestock properties.

b) Grassland refers to an open land devoted for pasturing and grazing of cattle, horses such as ranches and the like.

c) PD 953 refers to Presidential Decree requiring the planting of trees in certain places and penalizing unauthorized cutting, destruction, damaging and injuring of certain trees, plants and vegetation.

d) Marriage License refers to the document issued by the Municipal Civil Registrar as an authority for the couple to marry.

e) Graduation Certificate refers to the document, graduate diploma or educational credential representing completion of educational level or specialized course in college or university.

**SECTION 63P.03. Administrative Provisions.**

The following shall plant trees in accordance with the provisions of PD 953

1. Every owner of the land adjoining the banks of rivers and streams shall protect, and plant trees within the easement explicitly stated in Article 51 of PD 1067(The Water Code), that the banks of rivers and streams and shores of the seas and lakes throughout their entire length and within a zone of three(3) meters in urban areas, twenty(20) meters in agricultural areas, and forty(40) meters in forest areas, along their margins are subject to the easement of public use in the interest of recreation, navigation, floatage, fishing and salvage. No person shall be allowed to stay in this zone longer than what is necessary for recreation, navigation, floatage, fishing, or salvage or to build structures of any kind.

2. Every owner of an existing subdivision shall plant trees in the open spaces required to be reserved for the common use and enjoyment of the owners of the lots therein as well as along the roads and service streets.

3. Cutting, destroying, damaging or injuring naturally growing or planted trees, flowering or ornamental shrubs or plants of scenic, aesthetic and ecological values along public roads, in plazas, parks, school premises or in public grounds or places or on banks of rivers or creeks, along roads or areas for common use shall be prohibited.

4. Every couple applying for marriage at the Local Civil Registrar shall be required to plant two(2) hills of trees in designated barangay tree park or river easement prior to release of marriage certificate.

5. All graduating high school and college students to be awarded with Graduation Certificate within the territorial jurisdiction of Manolo Fortich shall be required to plant a tree in designated areas prior to the release of their respective documents.

6) At the Barangay level, all Barangay Officials and school authorities including officers and members of Parents and Teachers Association (PTA) in coordination with the Municipal Environment and Natural Resources Office (MENRO) shall be the prime movers in the implementation of tree planting and tree growing projects and infusing significance and importance of planting trees to the environment.

7) Only small trees of less than 5 meters in height shall be planted on road sides, front yards and transmission line to avoid the electrical wirings. Medium trees and fruit-bearing trees attaining a height for more than 5 meters to 15 meters shall be planted at bigger open spaces or inner part of the residential properties to avoid untoward accidents.

8) To preserve and enhance the growth of trees already existing and/or planted in tree parks and reforestation areas, the cutting of trees shall be prohibited unless otherwise authorized to do so by the Community Environment & Natural Resources Office. The authority contemplated herein shall be that issued by CENRO upon written requests of the interested party for laudable reasons except when public safety and order is affected.

9.) All river easement and areas more than 18% slope shall be reserved as tree-growing sites for the government, non-government organizations, entities and individuals needing compliance or for environmental celebrations.

10) No person shall destroy timbers or bamboos in any of the communal forest or tree growing sites within the municipality.

11) The Municipal Environment and Natural Resources Office in coordination with the Community Environment and Natural Resources Office of the DENR shall monitor the compliance of the provisions of this Article and may formulate additional rules and regulations to ensure effective, efficient and sustainable implementation thereof.

**SECTION 64P.04. - Fines and Penalties.**  Any person, who violates any provision of this Article, shall be penalized based on the following:

a. First Offense- Fine of One Thousand Pesos (P1, 000.00).

b. Second Offense- Fine of One Thousand Five Hundred Pesos (P1,500.00)

c. Third Offense-Fine of Two Thousand Five Hundred Pesos (P2,500.00).

In addition to the fine, those found guilty of illegally cutting trees shall likewise be required to grow a trees based on a tree replacement ratio of 1:50 for planted trees and 1:100 for naturally grown trees respectively for every tree cut which equivalent shall be planted and verified by the CENRO or MENRO.

**ARTICLE Q**

**REGULATION ON RIGHTS OF OWNERSHIP OF WOODY PERENNIAL PLANTS ALONG LOT BOUNDARY/PROPERTY LINES**

**SECTION 65Q.01 - Regulated Act.** Any person lot(s) shall comply with the regulation on rights of ownership of woody perennials along lot boundary/property line.

**SECTION 66Q.02 - Definition of Terms**. As used in this article:

* 1. Lot boundaries/Property Line- refer to dividing lines between two(2) adjoining parcels of land.

b. Woody Perennial refers to a plant with stems that do not die back and instead grow with each passing season. These refer to hardwood or fruit trees, shrubs, palms, bamboos, etc.

c. Regulation refers to a rule or directive made and maintained by an authority or the action or process of regulating or being regulated.

d. MENRO refers to the Municipal Environment and Natural Resources Office of the Local Government Unit.

e. Barangay refers to the smallest administrative division in the Philippines and is the native Filipino term for a village, district or ward.

f. Lot owner/owner refers to the person, organization or entity with proof of ownership of the land and the planter of woody perennials.

g. Adjoining lot owner/adjoining owner refer to the person, organization or entity who own/s the adjoining lot.

**SECTION 67Q.03 - Administrative Provisions**

a. A lot owner shall plant woody perennials for at least 2.5 meters away from the dividing line of the estates and at a distance of at least 50 centimeters if shrubs or small trees are planted, and at a distance of at least 5 meters if bamboos are planted.

b. Any part of the woody perennials naturally falling or that cross the boundary line to the adjoining lot shall be automatically owned by the adjoining owner.

c. The adjoining lot owner has the right to demand that trees or plant parts be uprooted or cut back the roots or branches that crosses the boundary lines, harvest or use the woody perennials with the permission of the owner.

d. The owner shall give his or her permission or consent within 3 days. Failure to respond despite receipt of notice within the given period would mean, the adjoining lot owner may proceed with the cutting, usage or harvest of whatever nature and kind.

**SECTION 68Q.04 – Fines and Penalties**. Any person who violates any provision of this Article, shall be penalized based on the following:

1. First Offense- Fine of One Thousand Pesos (P1,000.00).

2. Second Offense- Fine of One Thousand Five Hundred Pesos (P1,500.00)

3. Third Offense-Fine of Two Thousand Five Hundred Pesos (P2,500.00). or imprisonment of not more than 30 days or both fine and imprisonment at the discretion of the court.

**ARTICLE R**

**HUNTING/SELLING OF EXOTIC AND ENDANGERED SPECIES**

**SECTION 69R.01. - Prohibited Act.** No person sells endangered and exotic species, animals and plants in malls or any establishments. In the same manner, it shall likewise be unlawful to hunt these animals and sell such endangered exotic species in restaurants, eateries and hotels as food.

**SECTION 70R.02. - Definition of Terms**. As used in this article:

1. Exotic refers to rare animal or unusual animal generally thought of as wild specie rather than a pet; a rare plant of foreign origin or character, not native in the local environment as identified by the Department of Environment and Natural Resources Office Wildlife Division.
2. Endangered refers to a species of plants or animal that is in danger of disappearing forever, that if the animal or type of plant dies out completely it becomes extinct or its survival is unlikely if causal factors continue operating.
3. Wildlife means wild forms of flora and fauna, in all development stages, including those which are in captivity or are being bred or propagated.

**SECTION 71R.03. Administrative Provisions**

a. The practice of selling shall only be allowed for specific breeding or propagation purposes in accordance with SECTION 6 of RA 9147. Provided, that, only accredited individuals, business, research, educational, or scientific entities shall be allowed to collect or sell such species upon the approval of the Department of Environment and Natural Resources Office Wildlife Division.

b. The Municipal Environmental Monitoring Team shall coordinate with DENR-Wildlife division and shall conduct inspection of restaurants, malls and similar establishments suspected of selling endangered and exotic species.

c. No person or entity shall be allowed possession of any wildlife unless such person or entity is authorized by proper authorities.

d. Any endangered or exotic species found in custody shall be turned over to the Municipal Environment and Natural Resources Office and local DENR for animal custody and care.

**SECTION 72R.04. - Fine and Penalties**. Any person who violates any provisions of this article, shall be imposed a fine of P2,500, confiscation of endangered and exotic species, animals and plant and imposition of appropriate fines thru DENR pursuant to RA 9147.

**ARTICLE S**

**NUISANCE**

**SECTION 73S.01- Prohibited Acts.** No person who shall cause any form of public or private nuisance as stated in this ordinance.

**SECTION 74S.02. Definition of Terms.** As used in this Article

1. Nuisance refers to any act, omission, establishment, business, condition of property, or any else which:

a) Injures or endangers the health or safety of others; or

b) Annoys or offends the senses; or

c) Obstructs or interferes with free passage of any public highway or street, or any body of water, or

d) Hinders or impairs the use of property.

1. Decibel refers to a measure of sound level and is equal to 10x the logarithm of the square of a measured sound pressure level (SPL) divided by a reference sound pressure;
2. Noise refers to an erratic, intermittent, or sarcastically random oscillation or any unwanted sound;
3. Noise Pollution refers to the emission of loud, excessive, disturbing, unhealthy sound amplification beyond human tolerance emanating from sound amplification devices or equipment and/or other sources of sound such as, but not limited to commercial, industrial and construction activities, vehicle exhaust, mufflers, animal noise, and noise produced by human beings such as loud conversation and laughter, and found to exceed the normal allowable decibel ratio;

**SECTION 75S.03. Administrative Provisions**. For the purpose of this article, the following shall be considered nuisances within the purview of the Local Government and shall be prohibited:

a) Excessive Noise generated by business establishments and residences which exceeds the maximum allowable noise levels as provided in this article that disturb the peace and quiet of the area.

b) Foul or objectionable odor emitted by cargo trucks or motor vehicles that transport any freight, load or delivery.

c) Foul or objectionable odor**/**fumes/dusts emanating from residences or any business operation that adversely affect health and sanitation.

d) Accumulated or Keep Part or junked vehicle, machinery, equipment or structure situated along public streets or sidewalks that affects and obstructs the convenient passage of motor vehicles and passers-by.

e) Using areas as a Disposal Site of refuse or any other noxious waste unless the site has been designated for such purpose and with the approval of concerned National Agencies.

f)Stockades, cages or pens for fighting cocks, pigs and other animals raised and intended for commercial purposes that shall be constructed, operated and maintained adjacent to any place of human habitation.

g) Livestock and dogs or pets, including birds under the control of the owner or keeper which disturb the peace and quiet of the neighbourhood by constant barking or whining, or cause unnecessary noise, that causes or emits foul odor due to disease or unclean animal waste.

h) Allowing dogs or pets**,** including birds by the owner/keeper to defecate (animal excreta) in public or outside of the owner’s property.

i) Storing and drying of manure and other annoying materials/merchandise in places or areas not designated under existing zoning laws and local zoning ordinances.

j) Growth of weeds, grasses and bushes outside or within the premises of the establishment, abandoned houses or in any public or private vacant lots exceeding a height of ten (10) inches so as to become a fire menace, breeding place for flies or insects, rats or other vermin or become breeding grounds for snakes and other harmful insects or animals.

k) Allowing or permitting the accumulation of stagnant water on any lot owned or occupied by him.

l) Causing or permitting the unsanitary, unsightly accumulation of any garbage, litter or rubbish, waste water with maggots or overflowing wastewater on any lot owned or occupied.

m) Leaving uncovered any open pit, quarry or cistern or any other excavation without safeguards or barriers to prevent such places to be used by children or passersby in places used as places of habitation. This does not apply to authorized construction with reasonable safeguards are employed to prevent or regulate entry.

n) Causing the continuous emission of foul offensive smell either from unsanitary upkeep of animals, pets or any other source which is prejudicial to public health.

o) Vandal or writing any graffiti unto any public building, facilities and properties.

p) Posting any poster, tarpaulins and other promotional materials on trees, highways or streets and other public places without authority from the Office of the Municipal Mayor and leaving outdated poster, tarpaulins, and streamers in public places. Any approved materials must be removed at least one week from the intended date.

q) Leaving uncovered or throwing any animal carcass or part thereof in any public place, abandoned areas or bodies of water.

r)Nuisance caused by business establishments shall be under the jurisdictional function of the office concern. Nuisance emanating from residences and caused by human or animals shall be under the jurisdictional function of the Municipal Health Office and Municipal Veterinary Office. Nuisance caused by obstruction on streets, public places, waterways, and that hinders or impairs the use of property shall be under the jurisdictional function of the Engineering Department.

1. The maximum allowable noise quality standards (in decibels) in general areas shall be as follows

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Area  Category | Morning  5 am – 9 am | Daytime  9 am – 6 pm | Evening  6 pm – 10 pm | Night time  10 pm – 5 am |
| Class AA | 45 db | 50 db | 45 db | 40 db |
| Class A | 50 db | 55 db | 50 db | 45 db |
| Class B | 60 db | 65 db | 60 db | 55 db |
| Class C | 65 db | 70 db | 65 db | 60 db |
| Class D | 70 db | 75 db | 70 db | 65 db |

Class AA – A SECTION or contiguous area which requires quietness within 100 meters from schools, nursery schools, hospitals, churches and homes for the aged.

Class A - ASECTION or contiguous area that is primarily used for residential purposes.

Class B - ASECTION or contiguous area that is primarily a commercial area.

Class C – A SECTION primarily reserved as a light industrial area.

Class D - ASECTION primarily reserved as a heavy industrial area.

Activities that are permissible according to the zoning of the area shall be regulated under this article. These includes but not limited to

a) Resto bars with live bands, music performers, videoke/karaoke/KTV/piped-in music and the like

b) Comedy bars

c) Repair shops of any kind

d) Vulcanizing and welding shops

e) Metal/wood/plastic works and fabricators

f) Building constructions and relevant infrastructures

g) Noise from machineries including automobiles and motorcycles

h) Such other activities that generates excessive noise.

2.The use of loud sound systems during special occasions like birthdays, wedding days, anniversaries, fiestas; civic activities, special occasions and other public celebrations identified by the Mayor or Barangay Officials as the case may be, shall be allowed until curfew hour otherwise appropriate permits must be secured.

3. Noise generated during religious observance, rites, practices, celebrations and commemorations shall not be included in these prohibitions, provided that such activities will not be a nuisance to the community. In which case, a written consent from the community/neighbourhood shall be required.

**SECTION 76S.04. Fines and Penalties.** Any person who violates any provisions of this Article, the following shall be imposed upon him:

1. First Offense - Fine of One Thousand Pesos (P1,000.00 )and issuance of Notice of Violation.
2. Second Offense - Fine of Two Thousand Pesos (P2,000.00) and issuance of Cease and Desist Order (CDO).
3. Third Offense - Fine of Two Thousand Five hundred Pesos (P2,500.00) and issuance of Closure Order.

**ARTICLE T**

**ESTABLISHMENT OF NEW POULTRY AND PIGGERY FARM**

**SECTION 77T.01. Prohibited Acts.** No person, natural or juridical, shall establish a new commercial scale poultry and piggery farm within the period of twenty five (25) years from the date of the enactment of this article.

**SECTION 78T.02. Definition of Terms.** As used in this Article;

a) New poultry and piggery farm refers to poultry and piggery established after the moratorium not listed in the inventory of poultries and piggeries OR existing farms which ceased its operation for more than 2 years by virtue of an issued cease and desist order or voluntary stoppage of operation due to gross non- compliance.

b)Existing Poultry and Piggery Farm refers to poultry and piggery who have complied with a Locational Clearance prior to the moratorium imposed thru Sangguniang Bayan Ordinance No. 2016-1094.

1. Expansion refers to establishment of new building or increase in the number of heads other than what was already approved and stated in the Environmental Compliance Certificate.

d) Commercial scale poultry refers to poultry establishment with more than 500 numbers of heads. It can be further classified into:

1) Small scale – poultry farms with 501 to 5,000 heads of fowl

2) Medium scale– poultry farms with 5,001 heads to less than

10,000 heads of fowl

3) Large scale – poultry with 10,000 heads of fowls and above.

e) Commercial scale piggery refers to piggery establishment with more than 10 heads and one sow. It can be further classified into:

1) Medium scale- piggery with 2 sows and 11 – 20 pigs or

Piglets.

2) Large scale – piggeries with more than 2 sows and more than 20 piglets.

f) Moratorium refers to the temporary suspension on the establishment of new poultry and piggery previously approved by the Sangguniang Bayan thru Ordinance No. 2016-1094.

g) **Tunnel Ventilated Type of Poultry** refers to a permanent structure equipped with tunnel ventilation system where exhaust fans are located at one end of the house and two large openings are installed at the opposite end. This does not include curtain-sided housing type.

h) **Tree Buffer Zone** refers to a strip of land not less than 25 meters length and extends to not less than 15 meters wide from the vent of the facility. The area must contain trees, shrubs and other vegetation than function as filter to odor and pollutants from the vent or exhaust of the farm.

i) **Environment Compliance Certificate (ECC)** refers to the document issued by the DENR-EMB with set of provisions that allows the project to proceed to the next stage of project planning which is the acquisition of approval from other government agencies and LGUs after which the project can start the implementation.

j.) Gross Non-Compliance refers to non-adherence to various local and national laws, entities are often called to a technical conference to address issues.

**SECTION 79T.03. Administrative Provisions.**

a) No person is allowed to develop and establish new poultry and piggery farm in the municipality within the period of this prohibition.

b) This prohibition shall apply to those poultries and piggeries that operated or filed intent to put up piggery or poultry prior to the imposed moratorium pursuant to Ordinance No. 2016-1094, but were unable to comply with the requirements for a Locational Clearance.

c) No expansion is allowed except when conversion is approved following the provisions of this Article.

d) No conversion from poultry to piggery is allowed. However, conversion of piggery to poultry maybe allowed provided that the proposed poultry is a tunnel- ventilated type and will comply with the Housing and Land Use Regulatory Board(HLURB) guidelines.

e) Conversion guidelines. This covers only conversion from piggery to tunnel ventilated poultry and conventional poultry that opt to convert to tunnel ventilated type poultry.

e.1) All conventional poultry farms with ECC capacity of 50,000 heads or less are allowed up to **200%** increase in the number of heads and those with 50,001 ECC capacity are allowed only up to **100%** increase in the number of heads upon conversion to tunnel ventilated type.

e.2) All piggery farms converting to tunnel ventilated poultry shall be allowed only up to 100,000 heads.

e.3) All allowable conversions must be covered with an Environmental Compliance Certificate prior to construction.

e.4) All other regulatory permits such as Discharge Permits and other permits deemed necessary for submission by the Municipal Environment & Natural Resources Office must be complied with.

e.5) The vent or exhaust of all tunnel ventilated poultries must be positioned towards a tree buffer zone as defined in this Article.

e.6) A barangay resolution recommending the conversion based on affidavit of no objection by residents within one kilometer radius is secured.

e.7) A certification is issued from the Municipal Treasurer’s Office stating that the company has no arrears in their tax remittances, charges and permit fees in the last 2 years.

f.) No person shall erect, construct, alter, repair, move, convert or demolish any building or structure within their premises without first obtaining the approval of the Municipal Government.

g) The Business Permit and License Office in close coordination with the Municipal Joint Inspection Team (MJIT) shall enforce the full implementation of the provisions of this ordinance and may formulate additional rules and regulations to ensure effective, efficient and sustained enforcement thereat.

**SECTION 80T.04** –**Fines and Penalties.** Any person who violates any provision of this Article shall be imposed the following:

1. First Offense- Fine of One Thousand Five Hundred Pesos ( P1,500.00)
2. Second Offense**-** Fine of Two Thousand Five Hundred Pesos (P2,500.00) and closure of establishment and or imprisonment of not more than Thirty (30) Days or both at the discretion of the court.

**ARTICLE U**

**REGISTRATION OF BACKYARD POULTRY AND PIGGERY FARMS**

**SECTION 81U.01. Prohibited Act**. No person shall be allowed to operate a backyard poultry or piggery without registering it at the Municipal Mayor’s Office.

**SECTION 82U.02. Definition of Terms**. As used in this Article,

a. Backyard Piggery refers to piggery establishment with 10 heads and one sow or less within the rural area and shall not exceed 10% of the total lot area.

b. Backyard Poultry refers to poultry establishment with 500 numbers of heads or less within the rural area and shall not exceed 10% of the total lot area.

c. Piggery refers to any establishment located in rural areas, used for keeping, raising or breeding swine/pigs/hogs.

d. Poultry refers to any establishment located in rural areas, used for keeping, raising or breeding any fowl.

e. Registered backyard farms refer to backyard farms with valid Certificate of Registration.

1. Unregistered backyard farm refers to backyard farms without Certificate of Registration.
2. Rural area refers to area outside the designated urban area.
3. Urban area includes all barangay(s) or portion(s) of which comprising the Poblacion, Central Business District and other built – up areas including the urbanizable land in and adjacent to said areas and where at least more than fifty percent (50%) of the population are engaged in non-agricultural activities.
4. Central Business District (CBD) shall refer to the area designated principally for trade, services and business purposes.
5. Built-up Areas refers to a contiguous grouping of ten (10) or more structures.

k. Nature Hog Farming Technology refers to a dry type farming technology for hog raising based on Korean Natural Farming Technology that uses local materials both for farm inputs and materials used. This employs the use of micro-organisms and indigenous materials like sawdust, corn cobs, wood shavings and others as bedding.

**SECTION 83U.03. Administrative Provisions**

A. Requirements for Registration of Backyard Farms. For the issuance of Certificate of Registration by the Mayor’s Office, the following requirements shall be complied with, provided, however, that no such backyard farm shall be located in any area classified as commercial or residential in an urban or urbanizing barangay.

1) Barangay Certification issued by the concerned barangay that the area is located in an agricultural area.

2) Certification by the Municipal Environment and Natural Resources Office that the following waste management and pollution control measures are employed within the premises:

2.1) Three chambered floored septic tank for waste water

2.2) Compost pit for biodegradable wastes

2.3) Segregated waste receptacles for different kinds of waste

3) Certification by the Municipal Agriculture Office if the technology employed nature farming technology approach with no septic tank requirement if applicable.

4) Sanitation Clearance issued by the Municipal Health Office as regulated under the Sanitation Code of the Philippines.

5) Locational Clearance is issued by the Municipal Planning and Development Office.

1. For Backyard Poultry and Piggery located in built-up areas, the following provisions shall be observed:

1. The holding of animals shall only be for consumption purposes or reserved for special occasion like fiestas, birthdays and the like and shall therefore not exceed four (4) months.

a. Nature Hog Farming Technology shall be adopted.

* 1. Certificate of No Objection from the residents within 50 meters radius of the site.
  2. It should be limited to a maximum number of Two(2) heads.

1. Unregistered backyard poultry or piggery shall be notified by the Municipal Environment Monitoring Team (MEMT) on the provisions of this article and given a grace period of 30 days to sell fowls and pigs and or relocate.
2. After the grace period, unregistered farms shall be issued CEASE and DESIST ORDER by the Local Chief Executive and the recommendation of the MEMT and the owners and operators thereof shall cease and desist from operating the same until necessary CERTIFICATE OF REGISTRATION shall have been issued by the Local Government of Manolo Fortich.
3. Fowls or pigs must be properly housed in a secured structure and sanitary environment, free from litter and wastes. Applicable citation may be issued for any violation as observed thereof.
4. Inspections. The Municipal Health Office or Municipal Environment and Natural Resources Office personnel may conduct spot inspection and shall not be barred entry inside the farm upon presentation of LGU-Manolo Fortich employee identification card. Any act committed or caused to be committed by the owner or operator of any backyard farm that prevents or tends to bar or prevent the entry of such personnel into the farm premises for the purpose of inspection shall be ground for revocation of their issued Certificate of Registration
5. Conditional Nature of Registration. The registration issued by the Local Government Unit of Manolo Fortich for the operation of backyard poultry or piggery farms are conditioned on the compliance by the owner or operator thereof with all the duties and obligations imposed upon them under this article. Failure of the owner or operator of the farm to strictly comply with any of the duties and obligations imposed as requirements for the operation of such farm shall result in the automatic revocation of the registration or permits issued by the Local Government and upon such finding of violation, the Municipal Mayor shall effect the immediate closure of the facility.

**SECTION 84U.04. Fines**. Any person who violates any provision of this article shall be penalized by a fine of Two Thousand Five Hundred Pesos (P2,500.00) and issuance of Cease and Desist Order if registration is still not secured after 30 days and the owners and operators thereof shall cease and desist from using the same until necessary Certificate of Registration shall have been issued by the Local Government of Manolo Fortich.

**ARTICLE V**

**REGISTRATION OF ALL WATER USERS**

**SECTION 85V.01. Prohibited Act.** No person shall extract underground water or surface water without the proper permit and registration from the National Water Resources Board.

**SECTION 86V.02. Definition of Terms**. As used in this Article.

a. Water Users refer to households, irrigators, industries, agencies or private entities drawing surface or underground water within the geographical limits of Manolo Fortich, Bukidnon.

b. Domestic Use refers to the usage of water for household purposes, this is defined under PD 1067 Article 10, SECTION 11 as the use of not more than 250 liters/capita/day of water.

**SECTION 87V.03. Administrative Provisions**

a. Requirements for registration of water users. For the issuance of Certificate of Registration by the Mayor’s Office, the following requirements shall be complied with:

a.1 Copy of water permits or water registration issued by the National Water Resources Board (NWRB).

a.2 Copy of the recent water test analysis or test results done within 6 months complete with the following parameters: (1) total colliform; (2) Dissolved Oxygen; (3) ph; (4) nitrates; (5) phosphates.

b. Unregistered water users shall be notified by the Municipal Environment Monitoring Team to register and given One Hundred Eighty (180) days to comply.

c. After the grace period, the unregistered water users shall be issued CEASE and DESIST ORDER by the Local Chief Executive upon the recommendation of the Municipal Environment Monitoring Team(MEMT) and the owners and operators thereof shall cease and desist from using the same until necessary Certificate of Registration shall have been issued by the Local Government of Manolo Fortich.

d. Inspections. The Municipal Health Office or Municipal Environment and Natural Resources Office personnel may conduct spot inspections and shall not be barred entry inside the source premises upon presentation of LGU-Manolo Fortich employee identification card. Any act committed by the owner that prevents or tends to bar or prevent the entry of such personnel into the premises for the purpose of inspection shall be ground for revocation of their issued Certificate of Registration.

**SECTION 88V.04. Fines**. Any violation of the provisions of this article shall be penalized by a fine of P2, 500.00.

**ARTICLE W**

**INSTALLATION OF APPROPRIATE WASTE WATER TREATMENT FACILITY/PLANT AND OTHER POLLUTION CONTROL DEVICE**

**SECTION 89W.01. Prohibited Act.** No household or person engaged in business with waste water discharge shall be allowed without installation of appropriate waste water treatment facility/plant and other pollution control device.

**SECTION 90W.02. Definition of Terms.**  As used in this Article.

a. Effluent refers to the discharges from known source which is passed into a body of water or land, or wastewater flowing out of a manufacturing plant, industrial plant including domestic, commercial, and recreational facilities:

b. Effluent Standard refers to any legal restriction or limitation on quantities, rates, and/or concentrations or any combination thereof, of physical, chemical, or biological parameters of effluent which a person or point source is allowed to discharge into a body of water or land;

c. Septage refers to the combination of scum, sludge, and liquid from household septic tanks;

d. Septic Tank refers to a water-tight receptacle which received the discharge of the plumbing system or part thereof, and is designed to accomplish the sedimentation and digestion of the organic matter in the sewage within the period of detention/retention;

e. Sewage refers to water-borne human or animal wastes, excluding oil or oil wastes removed from residences, buildings, institutions, industrial and commercial establishments together with such groundwater, surface water, and storm water as maybe present including such waste from vessel, offshore structures, other receptacles intended to receive or retain, wastes, or other places, or the combination thereof.

f. Sewerage refers to any system or network of pipelines, ditches, channels, or conduits, including pumping stations, lift stations, and force mains, service connections, including other constructions, devices, and appliances appurtenant thereto, which involve the collection, transport, pumping and treatment of sewage to a point of disposal.

g. Sludge refers to any solid, semi-solid, or liquid waste or residue generated from a wastewater treatment plant, water supply treatment plant, or water-control pollution facility, or any other such waste having similar characteristics and effects.

h. Wastewater treatment refers to any method, technique, or process designed to alter the physical, chemical, or biological character or composition of any waste or wastewater to reduce or prevent pollution;

i. Water body refers to both natural and man-made bodies of fresh, brackish, and saline waters, and includes, but not limited to, aquifers, groundwater, springs, creeks, streams, rivers, ponds, lagoons, water reservoirs, lakes, bays, estuarine, coastal and marine waters. Water bodies do not refer to those constructed, developed and used purposely as water treatment facilities and/or for recycling and reuse, which are integral to the process of industry or manufacturing.

j. Water pollution refers to any alteration of the physical, chemical or biological or radiological properties of a water body resulting in the impairment of its purity or quality.

1. Major industries and establishments refer to projects and plants which are capital intensive, requiring a lot of machinery and equipment to operate and producing concentrated or heavy waste water.
2. Municipal Waters refer to streams, lakes and other inland bodies of water within the Municipality of Manolo Fortich

**SECTION 91W.03. Administrative Provisions**

A) Industries, establishments, and other entities are required to put up the following:

1) Waste Water Treatment Plant/Facilities – major industries and establishments with waste water discharge.

2) Septic Tank/Sewerage Treatment Plant –housing units, commercial buildings, markets, restaurants, mortuary and other similar establishments.

3) Grease Trap/Grease Interceptor – restaurants, commissary, eateries, food processing and other similar establishments.

4) Oil and Water Separator – gasoline stations, machine shops, car wash, motor pool, auto repair/supply, surplus shops, public transport terminals/garage and other similar establishments.

5) Sealed Concrete Holding Tank and Lagoon system – piggery, livestock, poultry if applicable.

6) Sealed Container/Vault – dental clinics, veterinary clinics, hospitals, laboratories, and other medical establishments.

B) Discharge permit and other pertinent permits from the Environmental Management Bureau shall be required prior to the issuance of MENRO Clearance. Effluent shall conform to effluent standard set by the DENR.

C) In case of spillage of any waste it is the responsibility of the establishment to make necessary action to contain and recover the waste or employ required mitigating measures at their expense.

**SECTION 92W.04. Fines and Penalties:**

Any person violating any provisions of this article, the following shall be imposed upon him:

1. First Offense- Fine of One Thousand Pesos (P 1,000.00) and issuance of Notice of Violation.
2. Second Offense – Fine of Two Thousand Pesos (P2,000.00) and issuance of Cease and Desist Order (CDO) for the pollution source.
3. Third Offense – Fine of Two Thousand Five Hundred Pesos (P2,500.00) and issuance of a Closure Order.

For the first offense, a period of compliance of not more than six (6) months shall be given to the establishment to institute corrective measures, after which, the concerned establishment shall be charged of second offense and third offense, respectively every 30 days for continuous violation. Thereafter, the case shall be endorsed to the local and national agencies concerned for appropriate action.

In case of irreparable or grave damage to the environment as a consequence of any violation or omission of the provisions of the Clean Water Act, the MENRO shall recommend the filing of appropriate criminal charges against the violators, and shall assist the public prosecutor in the litigation of the case.

**CHAPTER VI**

**HEALTH AND SANITATION**

**ARTICLE A**

**SMOKING REGULATIONS**

**SECTION 1A.01** - **Prohibited Act.** No person shall smoke in all public buildings, private institutions, restaurants, accommodation and entertainment establishments, places catering services to the public and all public utility vehicles.

**SECTION 2A.02 – Definition of Terms.**

a. Person refers to anyone who smokes cigarettes, cigars and other tobacco-based products to include electronic cigarettes.

b**.** Public Institution refers to all government business establishments, buildings and offices which cater and provide services to the public.

c. Private Institution refers to all privately-owned buildings, offices, business establishments such as malls, markets, stores, restaurants eateries, amusement and entertainment centers that provide services to the public, agro-industrial plants and factories and the like.

d. Place refers to any public or private open area which is frequented by the general public for a purpose such as plazas, amusement parks and recreation areas, resorts, transport terminals and the like.

e. Public utility vehicle refers to all buses, jeepneys, vans, multi-cabs, motorelas, tricycles, trisikads which offer transport services to the commuting public.

f. Smoking area refers to a place designated by any public or private institution where smoking is allowed.

**SECTION 3A.03** -**Administrative Provisions.**

a. All public and private institutions and places shall install **“NO SMOKING**” signage in conspicuous places inside and outside the vicinity of the establishment.

b. A **“NO SMOKING AREA**” signage shall also be placed in all public utility vehicles such as buses and jeepneys in compliance with the requirements set forth in this article.

c. All violators of the provisions of this Article shall be issued a **CITATION TICKET** by the apprehending officer.

d. Any private institution who fails to install “**NO SMOKING”** signage or designate a “**NO SMOKING AREA”** in their area of business or workplace shall be penalized in accordance to the penalty imposed in this Article in addition to the penalties imposed by the Anti-Smoking Law of the national government.

e. The Municipal Mayor shall organize the Anti-Smoking Task Force with its defined duties and functions who shall oversee the enforcement of this Article and shall formulate additional implementing rules and regulations to ensure effective, efficient and sustained implementation and monitoring of the same.

f. All applicable rules and regulations imposed by Anti-Smoking Law shall form part of this Article.

**SECTION 4A.04**-**Penalty**- Any person who violates any provisions of this article shall be imposed the following:

1. First Offense- Fine of Five Hundred Pesos (P500.00)
2. Second Offense- Fine of One thousand Five Hundred Pesos (P1,500.00)
3. Third Offense- Fine of Two Thousand Five Hundred Pesos (P2,500.00) or an imprisonment of 30 days or both fine and imprisonment at the discretion of the court.

Business Establishments and other Institutions:

1. First Offense- One Thousand Five Hundred Pesos(P1,500.00)
2. Second Offense- Two Thousand Pesos (P 2,000.00)
3. Third Offense- Fine of Two Thousand Five Hundred Pesos (P2,500.00), Revocation of Mayor’s Permit or an imprisonment of 30 days or fine, revocation of permit and imprisonment at the discretion of the court.

**ARTICLE B**

**OPERATION OF WATER REFILLING STATION**

**SECTION 5B.01** -**Regulated Act** – Any person operating a water refilling station shall comply all the requirements imposed by the health agencies of government.

**SECTION 6B.02** - **Definition of Terms-** The following words are defined as follows:

a. Person refers to any operator or proprietor engaged in selling processed water popularly known as mineral water for public consumption.

b. Refilling Station refers to the place where raw water is processed and purified free from harmful bacteria and the like before it is sold to the public.

c. Health Agency refers to the Department of Health, government hospitals and clinics and other related institutions whose primary concern is on public health and sanitation.

**SECTION 7B.03** -**Administrative Provisions**

a. An operator of the water refilling station shall secure appropriate sanitary permit and medical certificate and the corresponding business permit and license.

b. All personnel working in the water refilling station shall secure medical health certificate renewable every year from the Municipal Health Office or from the Department of Health through the government hospitals and clinics.

c. All personnel working at the processing area shall wear protective garments and equipment at all times.

d. All sources of raw water and processed water sold for public consumption shall conform to the Philippine National Standards for Drinking Water.

e. The Municipal Health Office through the sanitary inspector shall conduct regular health and sanitation inspections to all water refilling stations operating in the municipality. The Local Health Board may formulate additional implementing rules and regulations to ensure the effective and efficient implementation of this Article.

f. The Municipal Government reserves the right to suspend or close the operation of a water refilling station for habitual violation of the provisions of this Article.

g. All applicable laws, rules and regulations of the Sanitation Code of the Philippines shall form part of the provisions of this Article.

**SECTION 8B.04- Fines and Penalties**

Any person who violates any provisions of this Article shall be imposed upon him the following:

1. First Offense- Fine of One Thousand Five Hundred Pesos(P1,500.00)
2. Second Offense- Fine of Two Thousand Pesos (P 2,000.00)
3. Third Offense- Fine of Two Thousand Five Hundred Pesos (P2,500.00), Revocation of Mayor’s Permit or an imprisonment of 30 days or fine, revocation of permit and imprisonment at the discretion of the court.

**ARTICLE C**

**BAN ON DEFECATION IN OPEN SPACES**

**SECTION 9C.01** - **Prohibited Act**. No person shall defecate in all open spaces within the Municipality of Manolo Fortich, Bukidnon.

**SECTION 10C.02** - **Definition of Terms.** As used in this Article the following words shall mean:

a. Person refers to a resident residing in all the barangays of Manolo Fortich.

b. Defecate refers to the act of a person discharging fecal waste or human waste.

c. Open Place refers to all public and privately-owned areas in the community but not limited to playgrounds, plazas, recreation resorts and the like.

**SECTION 11C.03 - Administrative Provisions.**

a. The Municipal Health Office through the Sanitary Inspector in close coordination with the Barangay Governments shall monitor and ensure that every household in the barangay shall have at least sanitary water-sealed toilets.

b. It shall be the primary responsibility of the barangay governments to monitor the compliance of the provisions of this Article and shall provide a list of violators to the Municipal Health Office for the imposition of the penalty as prescribed in this Article.

c. The Municipal Health Office shall oversee the proper implementation of this Article and shall formulate additional rules and regulations to ensure the effective and efficient monitoring of compliance thereat.

d. The penalty shall be shared as follows: 60 percent (%) shall be given to the barangay concerned who caught the violators and reported it to the Municipal Health Office; 40 percent (%) shall be retained by the Municipal Government.

**SECTION 12C.04 –Fines and Penalties.** Any person who violates the provision of this Article shall be imposed upon him/her the following:

1. First Offense - Fine of Five Hundred Pesos( P 500.00)
2. Second Offense- Fine of One Thousand Five Hundred Pesos (P1,500.00)
3. Third Offense Fine of Two Thousand Five Hundred Pesos( P2,500.00) or render five (5) days community service or imprisonment of 30 days or all fine, community service and imprisonment at the discretion of the court.

**ARTICLE D**

**HOT MEAT**

**SECTION 13D.01 - Prohibited Act.** No person shall engage in the slaughtering of any livestock in their backyard or any place other than the municipal slaughter house.

**SECTION 14D.02 - Definition of Terms.**

1. Slaughter refers to the humane killing or butchering of livestock, namely sheep, goat, pig, carabao, horses, chicken, and the like, especially for food.
2. Livestock refers to the horses, cattle, sheep, goat, chicken, pig, carabao, and the like, kept or raised on a farm, ranch, backyard and the like.

c) Hot Meat refers to animal carcass or parts of carcass of food animal not slaughtered in a registered establishment and have not undergone the required inspection to be made by the Slaughter House Meat Inspector before the animal is butchered.

d) Meat Inspector refers to the person professionally qualified and trained officer appointed by the Local Government Unit of Manolo Fortich or by the National Meat Inspection Service (NMIS) to properly inspect animals before, during and after slaughter to ensure safe meat.

e) Meat Vendor refers to the person/persons selling meat or meat product and meat by product in the market stalls or meat stalls that obeys to the provisions of this article as well as any other laws or order from the NMIS and is duly licensed to sell meat.

**SECTION 15D.03- Administrative Provisions.**

a. The Local Government Unit shall create the Municipal Meat Inspection Service under the Municipal Veterinary Office (MVO). This division is responsible to conduct inspections in the different meat stalls.

b. All food animals should be slaughtered in an accredited slaughter house and properly inspected by the meat inspectors.

c. All meat sold in the market should have been slaughtered in an accredited slaughter house. Meat vendors owning or selling this meat product shall present Meat Inspection Certificate (MIC) as proof that the meat being sold was slaughtered in an accredited slaughtered house given to them by the Meat Control Officer (MCO).

d. Any meat, meat product or meat by product sold that have not been inspected by the municipal meat inspectors shall be considered hot meat and shall be confiscated.

e. “Hot Meat” from food animals that are found to be fit for human consumption shall be given to the MNAO to be cooked and given to the malnourished children, or the Municipal Jail.

f. Confiscated “Hot Meat” found to be unfit for human consumption shall becondemned and disposed properly and promptly.

**SECTION 16D.04- Fine and Penalty.** Any person who violates any provision of this Article shall be penalized by a fine of Two Thousand Five Hundred Pesos ( P 2,500.00) or an imprisonment of not more than thirty days or both fine and imprisonment at the discretion of the court.

**ARTICLE E**

**DRUGS AND MEDICINES**

**SECTION 17E.01. Prohibited Act-** No person/establishment within the municipality shall compound, distribute or sell drug or chemical products, botanical preparations, proprietary medicine or pharmaceutical products in any form except in drug establishments duly authorized by the Food and Drug Administration.

**SECTION 18E.02 - Definition of Terms.** As used in this Article

1. Drug refers to any substance (other than food that provides nutritional support ) that, when inhaled, injected, smoked, consumed, absorbed via a patch on the skin, or dissolved under the tongue causes a physiological change in the body.
2. Chemical Product refers to a substance that is formed as a result of chemical reaction such as sulfuric acid, phosphoric acid, titanium dioxide, etc).
3. Pharmaceutical Product refers to a substance commonly used as medicines or drugs and is a fundamental component of both modern and traditional medicine.
4. Prescription drug/s-medicines that legally requires a medical prescription before it is dispensed or sold to any consumer. Examples are antihypertensive drugs (Losartan, Metoprolol, Amlodipine,etc), antidiabetic medicines (Gliclazide, Metformin, Glimeparide, etc), antimicrobial drugs (Amoxicillin, Co-amoxiclav, Cotrimoxazole,etc).
5. Over The Counter (OTC drug/s)-medicines sold directly to any consumer without the need of a prescription from a healthcare professional. Examples of OTC drugs are pain relievers (Acetaminophen, Mefenamic Acid), Cough suppressants (Dextromethorphan), Antihistamines (Cetirizine, Loratadine) and Abdominal pain (Dicycloverine).

**SECTION 19E. 03- Administrative Provisions:**

1. Only authorized business establishment shall sell medicines, chemicals or drugs upon compliance of the requirements set forth by the Municipal Government of Manolo Fortich or by the National Government.
2. A Task Force headed by the Municipal Mayor shall be created to monitor and apprehend the violators.
3. Any drugs or medicine sold by an unauthorized seller shall be confiscated by the Task Force and shall be subject for proper disposal by the Municipal Pharmacist.
4. Any establishment such as convenience store, gas station or super market who shall sell OTC drugs, shall secure requirements and apply for License to Operate (LTO) from the Food and Drug Administration (FDA Circular No. 2014-028).

**SECTION 20E.04. - Fines and Penalty.** Any person/establishment that violates any provisions of this Article shall be penalized by a fine of:

a. First Offenses – Fine of One Thousand Pesos (P1, 000.00)

b. Second Offense-Fine of One Thousand Five Hundred Pesos (P1, 500.00)

c. Third Offense- Fine Of Two Thousand Five Hundred (P2, 500.00) or imprisonment of 15 days or both fine and imprisonment at the discretion of the court.

**ARTICLE F**

**SELLING AND DISPENSING OF ANTI-MICROBIAL DRUGS**

**SECTION 21F.01**.**Prohibited Act-** No person shall sell, dispense anti-microbial drugs to prevent anti-microbial resistance of microorganism within municipality.

**SECTION 22F.02. Definition of Terms.** As used in this Article:

a. Anti-microbial refers to an agent that kills microorganisms or stops their growth.

b. Resistance refers to the capacity of a species or strain of microorganism to survive exposure to a toxic agent (as a drug) formerly effective against it.

c. Medical Practitioner refers to a person engaged in the practice of medicine and who shall examine any person, and diagnose, treat, operate or prescribe any remedy for any human disease, injury, deformity, physical, mental or any ailment, real or imaginary, regardless of the nature of the remedy or treatment administered, prescribed or recommended. This includes:

(a) Any medical student duly enrolled in an approved medical college or school under training, serving without any professional fee in any government or private hospital, provided that he renders such service under the direct supervision and control of a registered physician;

(b) Any legally registered dentist engaged exclusively in the practice of dentistry;

(c) Any duly registered masseur or physiotherapist, provided that he applies massage or other physical means upon written order or prescription of a duly registered physician, or provided that such application of massage or physical means shall be limited to physical or muscular development;

(d) Any duly registered optometrist who mechanically fits or sells lenses, artificial eyes, or other similar appliances or who is engaged in the mechanical examination of eyes for the purpose of constructing or adjusting eye glasses, spectacles and lenses;

(e) Any person who renders any service gratuitously in cases of emergency, or in places where the services of a duly registered physician, nurse or midwife are not available;

(f) Any person who administers or recommends any household remedy as per classification of existing Pharmacy Laws; and

(g) Any psychologist or mental hygienist in the performance of his duties provided such performance is done in conjunction with a duly registered physician.

**SECTION 23F.03. Administrative Provisions.**

a. Limited Practice Without Any Certificate of Registration. Certificates of registration shall not be required on the following persons:

(1).Physicians and surgeons from other countries called in consultation only and exclusively in specific and definite cases, or those attached to international bodies or organization assigned to perform certain definite work in the Philippines provided they shall limit their practice to the specific work assigned to them and provided further they shall secure a previous authorization from the Board of Medical Examiners.

(2) Commissioned medical officers stationed in the Philippines while rendering service as such only for the members of the said armed forces and within the limit of their own respective territorial jurisdiction.

(3) Foreign physicians employed as exchange professors in special branches of medicine or surgery whose service may in the discretion of the Board of Medical Education, be necessary.

(4) Medical students who have completed the first four years of medical course, graduates of medicine and registered nurses who may be given limited and special authorization by the Secretary of Health to render medical services during epidemics or national emergencies whenever the services of duly registered physicians are not available. Such authorization shall automatically cease when the epidemic or national emergency is declared terminated by the Secretary of Health.

b. It shall be unlawful for any person, vendor, peddler, sari-sari store or drugstore to dispense antimicrobial agents without the written prescription of a licensed medical practitioner.

c. No medicine, pharmaceutical, or drug of whatever nature and kind or device shall be compounded, dispensed, sold or resold, or otherwise be made available to the consuming public by any person except through authorized drug outlets, and other establishments and facilities of health products, as determined by the Department of Health and Food and Drug Administration.

d. The Municipal Health Office shall monitor the strict compliance of the provisions of this Article.

e. Any drug store dispensing antibiotics without the correct prescription and or selling suspected counterfeit antibiotics shall be reported to the Food and Drug Administration for regulatory action through the municipal pharmacist.

**SECTION 24F.04. Fines and Penalty:**  Any person, vendor, peddler or drugstore that violates the provisions of SECTION 3 shall be imposed upon him the following:

a. First Offense- Fine of One thousand Five Hundred Pesos (P1,500.00)

b. Second Offense- Fine of Two Thousand Five Hundred Pesos (P 2,500.00) or cancelation of business permit or both fine and cancellation of business permit at the discretion the discretion of the court.

**ARTICLE G**

**DISPOSAL OF THE DEAD, BURIAL, TRANSFER AND EXHUMATION**

**SECTION 25G.01 Prohibited Act.** No dead person within the municipality shall be disposed, buried, transferred and exhumated without securing a permit from the Office of the Local Chief Executive.

**SECTION 26G.02. DEFINITION OF TERMS-** when used in this article the following words shall mean:

1. Dispose- refers to the act of by throwing away or giving or selling to someone else.
2. Exhume- refers to the act of removing a dead body from the ground after it has been buried.
3. Bury-refers to the act of placing a dead person’s cadaver underground, grave or a concrete enclose commonly known as “pantheon”,
4. Autopsy- refers to a postmortem examination to discover the cause of death or the extent of disease.
5. Cholera- refers to an infectious and often fatal bacterial disease of the small intestine, typically contracted from infected water supplies and causing severe vomiting and diarrhea.
6. Glanders- refers to a highly infectious bacterial disease of horses, sometimes transmitted to humans, caused by Actinobacillus mallei and characterized by inflammation and ulceration of the mucus membranes of the air passages, skin and lymph glands.
7. Small pox-an refers to infectious disease caused by two virus variants, Variola major and Variola minor.
8. Plague- refers to is an infectious disease caused by the bacterium Yersinia pestis.

**SECTION 27G.03. ADMINISTRATIVE PROVISIONS:**

1. It shall be the duty of the Municipal Health Officer or his duly authorized representative to furnish every Certificate of Death which shall be written in ink on a form prescribed by the Department of Health and within twenty four (24) hours such death except in case of death from cholera,, small pox, plague, glanders, leprosy or anthrax, in which even a notification of such death to the Office of the Municipal Health Officer by the person issuing the death certificate and the required Certificate of Death shall be sent within twelve hours thereafter. No person shall knowingly make, sign or deliver any certificate of death as in this chapter provided when statements thereof are not in accordance with the true facts, whenever the Municipal Health Officer suspects that a person died on a disease different from that certified to by the attending physician and believes an autopsy is necessary, notice of the time and place where such autopsy is to be held shall be sent to the attending physician.
2. Every physician shall have the right to witness autopsy and know all the investigations made upon a corpse, where the diagnostic he made had been doubted.
3. Whenever it shall come to the knowledge of any person or persons that any human being died from causes unknown under suspicious circumstance, it shall be the duty of such person or persons to notify the office nearest the police station who shall immediately notify the Office of the Local Chief Executive or his authorized representative.
4. No caretaker or other persons having charge of a cemetery, burial ground or crematory, shall assist in burial or cremation to be made until a permit from the Municipal Health Officer authorizing the same had been presented to him.

1. Any permit for burial, internment, disinterment or investigation shall be null and void after a period of forty eight (48) hours has elapsed from the scheduled time stated in the permit.
2. No dead body shall remain unburied and un-embalmed for twenty four hours. If a dead person was reported to have been infected with communicable disease, the body of such person shall be buried within twelve (12) hours after death unless a long period is authorized by the Director of Health or his authorized representative.
3. Conveyance of the Dead, Permit For. No dead body or part of a dead body of any human being shall be carried or conveyed from into or through the municipality by any person or by means of any vessel, car, hearse, litter or other means issued by the Local Chief Executive provided that nothing in this SECTION shall be constructed to prohibit the immediate conveyance of the body of any person with a Certificate of Death accomplished in accordance with this chapter who died from other than a reportable or communicable disease by the registered undertaker or embalmer, from the place of death to an undertaker’s establishment within the municipality for the purpose of preparing the body for burial or shipment.
4. Embalming Duty of Caretaker

No undertaker or other person shall embalm any dead without a Death Certificate and said embalmer must ascertain, before such embalming takes place that there are no facts attending the illness and death of person which would make an autopsy unnecessary.

1. Containers For Removal of the Dead

No person shall remove into, or out of, or through the municipality the body or remains of any human being unless such body or remains is closed in coffin of a type approved by the Local Chief Executive.

10. Inspection of Places or Disposition of the Dead.

All morgues, receiving vaults, and places for embalming the dead, all burial grounds or cemeteries, crematories and other places for the disposition of the dead, shall be subjected at all hours to such inspection as the Local Chief Executive may deem necessary.

11. Unlawful Burials

It shall be unlawful for any person to bury or cause to be buried a dead body of any human remain in any place except in an authorized burial ground or cemetery or in any special case allowed by the Local Chief Executive provided that it won’t jeopardize the interest of the general public.

12. Persons Charged With Duties Or Burial.

The duty of burying of the deceased shall devolve upon the person herein after in this SECTION specified;

1. If the deceased was a married man or woman, the duty of the burial shall devolve upon the surviving spouse.
2. If the deceased was an unmarried man or woman, or child, the duty of burial shall devolve upon the nearest kin or the deceased if they be adults, within the Philippines, and has the possession of sufficient means to defray the necessary expenses. Nothing contained in this SECTION shall be construed to charge the liability of the estate of the deceased for the ultimate payment of expenses, the purpose and intent of this SECTION being to fix the immediate duty of burial and without respect of the ultimate liability or expense thereof.

13**.** Custody of Dead Bodies.

Any person charged by law with the duty of burying the body of a deceased person is entitled to the custody of such body for the purpose of burying it, except as provided in the immediately preceding SECTION and when all inquest is required by law for the purpose of determining the cause of death or in case of death with a reportable or communicable disease.

14. Failure to Bury

Any person upon whom the immediate duty of burial of dead body is imposed by law who omits to perform the duty within forty eight (48) hours after death having ability to do so, shall upon conviction thereof, be punished as in this ordinance provided, and shall lose his right of custody of the dead body which the Municipal Treasurer shall bury at once upon order of the Municipal Health Officer.

**SECTION 28G.04 - FINES AND PENALTIES.**

Any person who violates any of the provisions of this Article shall suffer the following:

1. First Offense- A fine of one thousand pesos.
2. Second Offense- Fine of Two Thousand Pesos.
3. Third and Succeeding Offenses- Fine of Two Thousand Five Hundred Pesos or imprisonment of Thirty Days or both fine and imprisonment at the discretion of the court.

**CHAPTER VII**

**BUILDING REGULATIONS**

**ARTICLE A**

**LOCATIONAL CLEARANCE**

**SECTION 1A.01.** No person shall construct, remodel, alter, or demolish any structure, or business establishments or any private improvements of any lot within the municipality without securing a Locational Clearance from the Office of the Municipal Planning and Development Coordinator through the Deputized Zoning Administrator of the municipality and a Building/Occupancy permit from the Office of the Municipal Engineer.

**SECTION 2A.02**. **Definition of Terms.** As used in this Article

a. Zoning Officer refers to the person who exercises the police power, to impose regulations that protect public health, safety, and welfare; to implement the Zoning Code that establishes zoning regulations, divides the municipality into zones or districts, each with its own specific regulations, and is precedent in land use decision.

b. Locational Clearance is an approval issued to a project that is allowed under the provisions of the Zoning Ordinance and other standards, rules and regulations.

c. Building Permit refers to an official document issued by the local government agency through the Office of the Building Official that allows you or your contractor to proceed with the construction or remodelling project on your property. It is intended to ensure that the project plans to comply with local standards for land use, zoning, and construction.

d. Occupancy Permit refers to a permit issued by the appropriate local governing body – Building Official, to establish that the property is suitable for habitation by meeting certain safety and health standards.

e. Structure refers to a mode of building, construction, or organization, arrangement of parts, elements or constituents, a pyramidal structure.

1. Fence refers to a structure that divides two areas of land, similar to wall that is made of concrete, wood or wire.
2. Building Official refers to the person responsible for enforcing the National Building Code of the Philippines as well as the specific structural, electrical, mechanical and plumbing codes.

**SECTION 3A-03 – Administrative Provisions.**

a. All persons, firms or corporations issued a Building Permit shall secure first an Occupancy Permit from the Office of the Municipal Engineer/Building Official before occupying their structure or building**.**

b. Aside from the penalties indicated in PD 1096 – The National Building Code of the Philippines, and order to correct the defect or violation. If after fifteen (15) days, due notice has been served, the defect of the structure is not yet corrected, the whole building or structure shall be demolished at the expense of the owner.

**SECTION 4A-04**- **Fines and Penalties**. Any person, firm, corporation and contractor who violates this provision shall be fined Two Thousand Five Hundred or a maximum of Five Thousand for the Locational Clearance and One Hundred Percent (100%) penalty for the Building Permit based on the National Building Code of the Philippines (PD 1096) and or imprisonment of not more than thirty (30) days or both fine and imprisonment at the discretion of the court.

**ARTICLE B**

**CONSTRUCTION OF BUILDING AND OTHER STRUCTURES**

**WITHIN AND OR NEAR THE WATER BODIES.**

**SECTION 5B.01**. – **Regulated Act.** No person shall construct a building or a structure of any kind neither commercial, business, recreational and residential, whether permanent or temporary within 40 meters for Timberland/Forestal land; 20 meters for Agricultural area in the rural barangays and 3 meters in the urban barangays , in the municipality . In the same manner that no building or structure of any kind temporary or permanent shall be constructed or be allowed to operate in **“NO BUILD ZONE”** except those structures already existing therein prior to the approval of this provision. Further, no improvements are allowed for the existing structures already in existence prior to this provision, (As-Where Is).

**SECTION 6B.02. - Definition of Terms.** As used in this Article**:**

a. No Build Area or No Build Zone refers to an area that is prohibited for any construction or structure to be built since it is a dangerous area/not suitable for habitat, within the locality.

b. Set back refers to the distance of a structure or other feature (such as a well or septic system) from the property line or other feature.

c. Buildable Area refers to an area of the premises in question less the portion of such Area attributable to Building Common Areas.

**SECTION 7B.03. Administrative Provisions.**

1. The Zoning Officer and the Municipal Engineer shall conduct a survey and submit their recommendation on the acceptable limitations that should be imposed on the construction of all structures within or near the water bodies;

\* Maximum height of all buildings/structures with roof deck shall be measured from the natural ground up to the highest point or apex of the building/structures to easement of water body;

\* Maximum height of all buildings/structures with normal roofing shall be measured from the natural ground to the highest point or apex of the buildings/structures to easement of water body;

\* There shall be no buildings/structures constructed on slope over twenty five percent (25%) unless determined by the Building Official as structurally protected and provided with soil erosion protective structures. Buildings/structures on this area shall have a maximum of up to ten (10) meters height, for structures measured from the easement of the water body.

\* There shall be no building or structures constructed on a swamp or other water clogged areas in the island except on those area classified by existing zoning ordinance as **“BUILDABLE AREAS**”.

2. Building constructed on swamp classified as **“BUILDABLE AREA”** shall comply with the requirements of the National Building Code, the height limitations provided by this ordinance and the setback requirement of five (5) meters from each building and from the boundary lines of the lot.

3. Construction of other structures on swamp or other water clogged areas classified as “BUILDABLE AREAS” in the Zoning Ordinance shall secure Permits and comply with the requirements of the proper government agency.

**SECTION 8B.04. Fines and Penalty.**

a) The owner or operator of building or structure who violates this ordinance shall be fined TWO THOUSAND FIVE HUNDRED PESOS (P2, 500.00) and in order to correct the defect or violation. If after three (3) months, due notice has been served, the defect of the structure is not yet corrected, the whole building or structure shall be demolished at the expense of the owner.

b) Contractors, Architects and/or Engineers of the buildings constructed in violation of this Article shall be fined TWO THOUSAND FIVE HUNDRED PESOS (P2,500.00) for every building or structure constructed under their supervision or an imprisonment of not more than ( 30) days or both at the discretion of the court.

**ARTICLE C**

**CONSTRUCTION OF CONCRETE FENCE**

**FACING ON ANY PUBLIC ROADS**

**SECTION 9C.01** – **Regulated Act.** No person, natural or juridical, shall construct any kind of permanent fence, on any public road within the Municipality of Manolo Fortich without first securing the Fencing Permit from the Office of the Building Official.

**SECTION 10C.02 - Definition of Terms.** As used in this Article

a. Juridical Person refers to a non-human entity being created by law and recognized as a legal entity having distinct identity , legal personality, and duties and rights. It is also called artificial person, juridical entity, juristic person or legal person.

b. Fence refers to a structure that divides two areas of land, similar to wall that is made of concrete, wood or wire.

**SECTION 11C.03. Administrative Provisions:**

a. All concrete fence construction facing the road must observe the proper setback of 2.0 meters from the property line.

b. The said two (2) meters will be utilized by the lot owner for any landscaping or any legal purpose it may serve.

c. The Building Official/Municipal Engineer shall determine the exact setback from the property line to the existing public road.

d. The effective enforcement shall be based from the submitted approved plans.

**SECTION 12C.04 –Fine and Penalty.** Any person who violates the provisions of this Article, a penalty shall be imposed upon him with fine of not less than Two Thousand Five Hundred Pesos (P2, 500.00) or imprisonment of not less than thirty (30) days.

**ARTICLE D**

**ISSUANCE OF LOCATIONAL CLEARANCE CONSTRUCTED IN A**

**HAZARD PRONE (LANDSLIDE AND FLOOD PRONE)**

**AREAS AND WITHIN A NON-COMPATIBLE ZONE**

**SECTION 13D.01 – Prohibited Acts.**

1. No person or any corporation shall establish any project within the Municipality of Manolo Fortich without securing first Clearance from the Office of the Municipal Planning and Development Coordinator through the Deputized Zoning Administrator of the LGU-Manolo Fortich.

2. Any construction undertaken within this municipality shall be in conformity with the Municipal Comprehensive Land Use Plan of Manolo Fortich. Any kind of establishment which is non-conforming to the zoning map or the Municipal Comprehensive Land Use Plan ( MCLUP) is prohibited.

3. No person shall build or construct structures of any kind whether permanent or temporary in hazard prone (Landslide and flood prone) areas and easements.

**SECTION 14D.02. Definition of Terms.** As used in this Article

a. Building refers to a structure with a roof and walls whether a permanent or using indigenous materials.

b. Hazard Prone Area refers to an area identified by Mines and Geosciences Bureau that are highly susceptible to geological hazards like landslide and flood. These include areas within the 10-meter radius from Transmission Lines of the National Grid Corporation of the Philippines.

c. Non-Conforming refers to a structure built on an area that is not suitable to the zoning map

**SECTION 15D.03*.* Administrative Provisions.**

1. The Local Disaster Risk Reduction Management Council(LDRRMC) through the Local Disaster Risk Reduction Management Officer (LDRRMO) shall conduct a survey to validate the Mines and Geosciences Bureau (MGB) hazard maps of the municipality.
2. The LDRRMO, duly approved by the Sangguniang Bayan, shall generate a map showing the validated hazard prone areas within the municipality.
3. The Building Official and Zoning Administrator shall deny Building Permit and Locational Clearance applications located in the validated hazard prone areas.
4. Existing buildings found to be located in the validated hazard prone areas and found to be non-conforming to the Municipal Comprehensive Land Use Map , with due notice, shall be relocated to areas conforming to the project/structure.

**SECTION 16D.04. Fines and Penalties.** Any person who violates any provisions of this Article, shall be imposed the following;

1. First Offense- Fine of P1,000.00
2. Second Offense- Fine of P 2,000.00
3. Third Offense- Fine of P2, 500.00 and is obliged to demolish his structure at his own expense for a period of no longer than ninety (90) days.

**ARTICLE E**

**CONSTRUCTION OF HUMPS OR PLACING OF**

**PROTUBERANCE ON PUBLIC ROADS**

**SECTION 17E.01**. **Regulated Act.** No person, natural or juridical shall construct any kind of hump or place any kind of protuberance, on any public road within the Municipality of Manolo Fortich, without first securing a Permit therefore from the Office of the Mayor thru the Office of the Municipal Engineer.

**SECTION 18E.02. Definition of Terms.** As used in this Article

a. Hump or Protuberance refers to a SPRAY CANISTERS, GUBA NGA FLOURESCENT UG BOMBELYA, BATERYA, GOMA, SUDLANAN SA MGA KEMIKALS, PINTAL, THINNERS, DAGOM UG UBAN NGA WALA NAY KAPUSLANAN UG MAKADAOT SA KINAIYAHAN bump or any solid convex shape constructed on the road, used to minimize the speed of transportation.

b. Manolo Fortich Road and Traffic Administration refers to a division/sub-office under the Municipal Mayor’s Office agency assigned to plan, control and purchase of transport equipment needed to physically move vehicles

**SECTION 19E.03. Administrative Provisions.**

a. Any person, natural or juridical, desiring to construct humps or place any kind of protuberance on any public road within this Municipality shall file an application for that purpose with the Office of the Municipal Engineer.

b. Upon receipt of the said application, the Municipal Engineer or his duly assigned representative shall coordinate with the Officer-in-Charge of Traffic Management to discuss the merits of the application. Thereafter, their joint or individual recommendation shall be submitted to the Municipal Mayor for perusal.

c. No permit by the Municipal Mayor on the application shall be issued without the written recommendation of both the Municipal Engineer and the Officer-in-Charge of the Traffic Management.

d. The Municipal Engineer shall determine the appropriate specification as to the thickness, width and length of the hump or protuberance to be placed or constructed. These humps shall be allowed only on intersections, schools and hospital zones or highly hazardous areas.

e. The Municipal Engineer is hereby authorized to alter or modify the existing humps or protuberance of any Municipal, Barangay and Subdivision roads to conform with the necessary specifications prescribed by his Office.

f. The Municipal Engineer and the Officer-in-Charge of the Traffic Management Office shall issue the necessary additional rules and regulations or implementing guidelines for the effective enforcement.

**SECTION 20E.04. Fines and Penalty.** Any person who violates any provisions of this Article, a penalty shall be imposed upon him a fine of Two Thousand Five Hundred Pesos (P2,500.00) or an imprisonment of not less than fifteen (15) days but not more than thirty days or both fine and imprisonment at the discretion of the court.

**ARTICLEF**

**CONSTRUCTION OF BUILDINGS OR STRUCTURES**

**IN HAZARD PRONE AREAS**

**SECTION 21F.01. Prohibited Act.** No person shall be allowed to construct building or structure of any kind whether permanent or temporary in hazard prone areas.

**SECTION 22F.02. Definition of Terms.** As used in this Article

1. Building refers to a structure of any kind e.g. residential, agricultural, commercial, industrial and institutional.
2. Hazard Prone Area refers to an area identified by Mines and Geosciences Bureau that are highly susceptible to geological hazards like landslide and flood. These include areas within the 10-meter radius from Transmission Lines of the National Grid Corporation of the Philippines.
3. Easements refers to a particular measurement of a distance of public use prescribed for the banks of rivers and lakes shall be reckoned from the line reached by the highest flood such as:

Timberland/Forestal land - 40 meters

Rural Areas - 20 meters

Urban Areas - 3 meters

**SECTION 23F.03. Administrative Provisions.**

a. The Local Disaster Risk Reduction Management Council (LDRRMC) through the Local Disaster Risk Reduction Management Office (LDRRMO) shall conduct a survey to validate the Mines and Geosciences Bureau (MGB) hazard maps of the municipality.

b. The LDRRMO, duly approved by the Sangguniang Bayan, shall generate a map showing the validated hazard prone areas within the municipality.

c. The Building Official and Zoning Administrator shall deny Building Permit and Locational Clearance applications located in the validated hazard prone areas and easements.

d. Existing buildings found to be located in the validated hazard prone areas, with due notice, will be relocated to safer grounds as determined by the LDRRMC or to relocation areas provided by the Local Government Unit. (Geohazard Map shall form as Annex of this Ordinance).

**SECTION 24F.04. Fines and Penalty -** Any person who violates any provision of this Article after due notice shall be imposed upon him with:

1. First Offense- Fine of Two Thousand Five Hundred (P2, 500.00) and is obliged to demolish his structure at his own expense for the period of ninety (90) days.
2. Second Offense- Fine of P2,500.00 , demolition of the structure at the expense of the violator or 30 days imprisonment or both fine and imprisonment at the discretion of the court.

**ARTICLE G**

**CONSTRUCTION OF LODGING OR BOARDING HOUSES**

**SECTION 25G.01.Regulated Act.** No person shall construct a lodging or boarding house without first securing a Mayor’s Permit and paying the corresponding fees imposed under the Municipal Revenue Code.

**SECTION 26G.02. Definition of Terms**- As used in this article, the following words shall mean:

a. Boarding House refers to a dwelling, apartment, tenement or habitation where lodging and meals are served for a fee.

b. Lodging House or Rooming House refers to a room or rooms rented in a private home. A house where lodgings are provided for rent.

**SECTION 27G.03. Administrative Provisions**

a. No person shall establish a boarding / lodging house without first securing the necessary permit from the Mayor’s Office.

b. Imposition of fee for the permits required shall be subject to the provisions of the Municipal Revenue Code.

c. Every boarding or lodging house shall admit only one boarder for every three (3) square meters of floor space available for quarters. The owner or lessee shall provide at least one toilet and one bathroom for every ten (10) occupants provided that the occupants are of same gender. In case the occupants are not of the same gender, the owner shall provide separate bathroom and toilet for every gender;

d. The members of the family operating the boarding and lodging house who live therein shall be included in the counting of the number of occupants;

e. The owner or lessee shall strictly observe the rules of hygiene and sanitation relative to drainage, sewers and cleanliness of surroundings within the immediate vicinity of the boarding house, prescribed and promulgated by the Municipal Health Officer;

f. Every house owner, boarding or lodging house owner shall maintain a registry book of all his lodgers and/or visitors;

g. The PNP shall inspect the registry of the lodgers and visitors that shall contain the data about the registrant and shall at any moment be readily available;

**SECTION 28G.04. Fines and Penalty.** Any person who violates any provision of this Article shall be imposed upon him the following:

a. First Offense -Fine of Five Hundred Pesos (P500.00)

b. Second Offense- Fine of One Thousand Pesos (P1, 000.00)

c. Third Offense – Fine of Two Thousand Five Hundred Pesos (P2, 500.00) or imprisonment of thirty days or both fine and imprisonment at the discretion of the court.

**ARTICLE H**

**REGULATION ON HOTELS, MOTELS AND PENSION HOUSES**

**SECTION 29H.01.Regulated Act.** – No person shall operate or maintain hotel, motel and pension houses without first securing a Mayor’s Permit and paying the corresponding fees imposed under the Municipal Revenue Code.

**SECTION 30H.02. Definition of Terms:** As used in this Article

a. Hotel refers to an establishment providing accommodations, meals, and other services for travelers and tourists.

b. Motel refers to a roadside hotel designed primarily for motorists, typically having the rooms arranged in a low building with parking directly outside.

c. Pension House refers to a boarding house or small hotel which offers lodging and certain meals and services. It is less exquisite and thus more affordable than a hotel.

**SECTION 31H.03.Administrative Provisions**.

a. The owner, operator and/or manager of any hotel, motel and pension houses must maintain in his establishment a registry wherein the following shall be recorded:

1) Full name of the tenant;

2) The date and time checked in and checked out;

3) Permanent residence;

4) Residence certificate numbers, indicating the date and place of issue;

**SECTION 32H.04.Fines and Penalty.** – Any person who violates any provision of this SECTION shall be imposed upon him a fine of not less than One Thousand Pesos (P1, 000.00) but not more than Two Thousand Pesos (P2,500.00) or an imprisonment of not less than ten (10) days but not more than thirty (30) days or both fine and imprisonment at the discretion of the court.

**ARTICLE I**

**CONSTRUCTION OF CATCHING CORRALS**

**SECTION 33I.01**. No person shall construct catching corals at a distance of less than a kilometre away from the National Highway and should be within the Agricultural Zone of any barangay.

**SECTION 34I.02. Definition of Terms:** As used in this Article

a. Catching Corral refers to any enclosed structure used for confining or capturing livestock such as but not limited to cattles, cows, carabaos, horses, pigs, sheep and goats.

**SECTION 35I.03.Administrative Provision:**

a. The owner, operator and/or manager of any catching corals must maintain in his establishment a copy of Barangay Resolution Indorsing his Project and an Affidavit of No Objection from the adjoining owners of his property and from the neighboring residents within the 1-kilometer radios.

**SECTION 36I.04. Fines and Penalties.** Any person who violates any provision of this Article, the following shall be imposed upon him;

First Offense - P500.00 fine

Second Offense - P1, 000.00 fine or both fine and imprisonment at the discretion of the court.

**ARTICLE J**

**BUILDING PERMIT FOR ALL LOCAL AND NATIONAL**

**GOVERNMENT INFRASTRUCTURE PROJECTS**

**SECTION 37J.01 – Regulated Acts.** Any person who shall construct, build or erect any infrastructure projects shall secure first the required building permit with the Municipal Government

**SECTION 38J.02 - Definition of Terms.** As used in this article

a. Infrastructure Project refers to the fundamental facilities and systems serving a country, city, municipalities and barangays including the services and facilities necessary for its economy to function.

b. Local Government refers to a district with government that typically encloses no other governed districts; borough city, or incorporated town or village. Infrastructure is composed of public and private physical improvements such as roads, bridges, tunnels, water supply, dams, sewer system, railways and subways, and electrical grids.

1. National Government refers to the central government, or political authority, that controls a nation

d. Contractor refers to a person or company that undertakes a contract to provide materials or labor to perform a service or do a job.

e. Building Official refers to a Civil Engineer or Architect, Filipino citizen, with good moral character, a member of organization of his profession for not less than two years at least five years of diversified and professional experience in building design and construction.

f. Building Permit refers to a type of authorization that must be granted by the Local Government Unit or other regulatory body before construction of new or existing building can legally occur.

**SECTION 39J.03 - Administrative Provisions.**

1. All local government requirements will be provided and be secured first, before the commencement of all government/infrastructure projects stated above, (i.e. School Buildings, Barangay Halls, Sitio Halls and etc.).
2. All end users have the right to be structurally safe and be provided with the safe egress which constitutes to be safe from fire hazards, or safety to health or public welfare.
3. The project recipient or beneficiary shall inform the Building Official upon knowledge of the absence of Building Permit of the implementing unit.
4. A work stoppage order or suspension of work will be issued by the Building Official if all necessary requirements have not been complied with by the agency implementing any project.

**SECTION 40J.04. Fines and Penalty –** Any person who violates any provisions in this Article shall be imposed upon him by a fine of P 2,500 and as prescribed in SECTION 212 of the National Building Code (PD 1096) and revocation of license of the erring government agency.

**ARTICLE K**

**EASEMENT OR SETBACK OF CONCRETE FENCE**

**FACING ANY EXISTING ROAD**

**SECTION 41K.01. Regulated Act -** Any lot owner who desires to construct a concrete fence will secure first fencing permit from the Office of Building Official, before any construction work shall be done.

**SECTION 42K.02- Administrative Provisions.**

a. It is hereby declared that the Municipality of Manolo Fortich, Bukidnon, adopts the provisions of RA 6541 or the minimum easement or setback of two meters (2.0 m) from the property line for the reason of privacy, for the construction of concrete fence facing the existing road.

b. To maximize the maneuverability or entrance towards the property, the said setback requirement will be utilized for any other appropriate uses such as landscaping and etc.

c. The barangay government or any concern citizen shall inform the Building Official of the Local Government Unit upon knowledge of the absence of Building Permit of the implementing unit.

d. In addition to the fines provided in this article, the sanctions under SECTION 212 of National Building Code (PD 1096) will also be imposed.

d. The provisions of the said articles are hereby adopted for strict implementation in the Municipality of Manolo Fortich, Bukidnon.

**SECTION 43K.03 –**Fines and Penalty – Any person who violates any provisions of this Article, the following shall be imposed upon him;

a**.** First Offense- A fine of One Thousand Five Hundred Pesos (P1, 500.00) and order for work stoppage or suspension of work shall be issued by the Building Official if all necessary requirements have not been complied.

b**.** Second Offense- A fine of Two Thousand Five Hundred Pesos (P2, 500.00) and imprisonment of not more than Thirty Days or both fine and imprisonment at the discretion of the court.

**CHAPTER VIII**

**PEACE AND ORDER**

**ARTICLE A**

**SALE OF LIQUORS**

**SECTION 1A.01**. **Regulated Act**- No person shall display, sell, give away, or dispose of any manner, or drink any intoxicating, spirituous, vinous, or fermented liquor within the radius of one hundred (100) meters from any school, playground and other places except during celebration of town fiestas, and other social gatherings.

**SECTION 2A.02**. **Definition of Terms.** As used in this Article

a. Intoxicating Drink/Liquor refers to any alcoholic drinks which when taken moderately or excessively may cause a state of intoxication or drunkenness of the subject person.

b. Fermented Liquor refers to a drink produced by, or which have undergone, a process of alcoholic fermentation, to which they owe their intoxicating properties, including beer, wine, hard cedar and the like, but not spirituous or distilled liquors.

c. Distilled Liquor refers to alcoholic liquor such as brandy, whisky, gin, rum, or arrack, obtained by distillation from wine or other fermented fruit juice or plant juice or from starchy material (as various grains) that has first been brewed- also called as hard liquor.

d. Wine means an alcoholic drink made fermented grape juice.

**SECTION 3A.03. Administrative Provisions**

a. Stores are prohibited from selling intoxicating wines and liquors within one hundred meters away from school, playground and other areas frequently visited by minors.

**SECTION 4A.04. Fines and Penalties.** Any person who violates the provision of this article, shall be imposed the following:

1. Store Owners and Business Establishments:

a) First Offense -Fine of One Thousand Pesos (P1, 000.00)

b) Second Offense-Fine of Two Thousand Pesos (P2, 000.00)

c) Third Offense -Fine of Two Thousand Five Hundred Pesos (P2, 500.00)and revocation of license and permit or imprisonment of thirty (30) days or both fine and imprisonment at the discretion of the court.

2. Minors who will be caught buying from the above establishments and storeowners will render their parents and guardians liable for the following:

a.) First Offense – Counselling to both minors and guardians/ parents by the Municipal Social Welfare and Development (MSWD) to be assisted by Philippine National Police(PNP) Women and Children Protection Desk (WCPD).

b.) Second Offense - Fine of Five Hundred Pesos (P500.00).

c.)Third and Succeeding Offenses - Fine of Two Thousand Five Hundred Pesos (P2, 500.00).

**ARTICLE B**

**DRINKING ALCOHOLIC BEVERAGES**

**SECTION 5B.01-Prohibited Act**. No person shall drink any alcoholic drinks and beverages on Public Areas within the Municipality of Manolo Fortich, Bukidnon.

**SECTION 6B.02. Definition of Term**: As used in this Article, the following words shall mean:

1. Public Place refers to any public or private areas open to the public such as but not limited to roads, pathways, streets, alleys, sidewalks, sports grounds, parks, church yards, school yards, cemeteries, memorial gardens, waiting sheds, play grounds, market premises, public and private transportation terminals and stations and the like.

**SECTION 7B.03.Administrative Provisions:**

a. Consumption or drinking of beer, wine, liquor or similar intoxicating beverages in public places as enumerated in the above-mentioned SECTION is hereby prohibited.

b. Exemption **-**The use of “Public Places”, as defined in **SECTION 8.B.**, for public gathering such as Fiesta, Araw Ng Barangay and Municipality, and other social functions where drinking is only incidental activity may be allowed; PROVIDED further, that if it is approved, a Barangay Official or Philippine National Police (PNP) Personnel shall be posted around throughout the duration of the entire gathering or celebration.

c. None settlement or payment of any issued violation of SECTION 8.3.A within three (3) days after due notice, a case against any violator(s) shall be prepared, facilitated, and indorsed to the investigation SECTION of the Municipal Prosecutor for the filing of proper case before the Office of the Municipal Prosecutor and/or any court of appropriate jurisdiction.

**SECTION 8B.04.Fines and Penalties -**Any person, who violates the provisions of this article, shall be imposed upon him the following:

1. First Offense - Fine of Five Hundred Pesos (P 500.00)
2. Second Offense - Fine of One Thousand Pesos (P 1,000.00)
3. Third and Succeeding Offenses - Fine of Two Thousand Five Hundred Pesos (P2, 500.00) and /or imprisonment of Thirty (30) days, upon the discretion of the court.

**ARTICLE C**

**LIQUOR REGULATION ON RESTAURANTS, FASTFOOD,**

**CONVENIENCE STORES, CAFEs AND OTHER**

**RELATED ESTABLISHMENTS**

**SECTION 9C.01. Regulated Act.** No person or any establishment such as restaurants, fast foods, eateries, hotels, liquor store or retail liquor dealer, retail wine dealer and sari-sari store shall sell, dispense, and serve liquor to the public without a business permit and license.

**SECTION 10C.02** -.**Definition of Terms.**  As used in this Article the following words below are defined as follows:

a. Business Establishment refers to a place where business is served to the public.

b. Restaurant refers to any place, including bistros, which cater food to the public and accept orders from them at a price. They may serve liquor as a necessary incident to dining. However, if they serve liquor in addition to their license to operate as a restaurant, they shall first secure from the Municipal Government of Manolo Fortich a separate license to sell, dispense, or serve liquor. Should a new restaurant be within 100 linear meters from a school, church, hospital, place of worship or any institution of learning or of charity, they shall not be issued a license to sell, dispense, or serve liquor.

c. Carenderia refers to any public eating place where food already cooked is served at a price.

d. Hotel refers to an establishment that provides lodging and usually meals, entertainment and personal services for the public to include motels, inns, pension houses, and hostels.

e. Liquor Store refers to a business establishment that sells or offers for sale all kinds of wines and alcoholic drinks either on a wholesale or retail basis to the public.

f. Minor refers to a person who is below 18 years of old.

**SECTION 11C.03.Administrative Provisions.**

a. No restaurants, hotel/motel, retail dealer in fermented liquor, retail liquor dealer, retail wine dealer, sari-sari or other establishments of similar nature shall be allowed to operate within the Municipality of Manolo Fortich unless a business permit and license shall be secured from the Office of the Municipal Mayor.

1. Unless otherwise specifically provided by law, the licenses and permits for liquor establishments shall be issued by the Municipal Mayor. Provided, however, that no new license shall be issued to any applicant unless there is attached to the application a certification issued by the Municipal Engineer to the effect that the establishment is beyond the distance of 100 linear meters, from any school, church, hospital and/or other public buildings.

c. The license and business permit issued for the operation of all places of amusement which of necessity involves the sale of or dispensing or serving of liquor shall be good for one (1) year unless sooner revoked for violation of any of the provisions of this article.

d. No restaurants, resto bars and other establishments or similar nature, retail dealer in fermented liquor, retail liquor dealer, retail wine dealer, or establishment engaged in selling, and/or serving liquor or other intoxicating beverages to the public shall be established within a distance of one hundred linear meters for retail dealer in fermented liquor, retail liquor dealer, liquor store, retail wine dealer, ordinary beer garden and folk houses from the Municipal Hall, public or any public building, schools, churches, hospitals, places of worship, athletic stadium, public park, or any institution of learning or of charity;

1. Minors under 18 years of age, intoxicated persons and persons carrying deadly weapons or firearms of any description except government officials in the actual performance of their public functions, shall not be admitted or allowed to remain in any resto bars, restaurants, carinderia, eateries, folk house, and within the premises of retail dealers of fermented liquor, retail liquor dealers and retail wine dealers, and any other similar establishments, either as customer, employee or under any capacity. Provided however, that persons under 18 years of age may be admitted in such establishments when they are in private parties and accompanied by their parents or guardians; provided, furthermore, that they will not be served liquor. The operator of liquor-oriented establishment shall require a person whom he suspects to be a minor to present his Residence Certificate or Voter’s Identification or Driver’s License or any evidence to determine his age.

f. Law enforcers who are with arms may be admitted or allowed to enter and/or remain in said establishments; provided, that upon entering, they deposit their weapons/firearms with the manager/operator of said establishment;

g. Sari-Sari Stores – Although they may be allowed to sell liquor in retail and by bottles only upon obtaining the necessary license and permit thereof, they shall not be allowed to serve liquor to customers for them to drink or consume within their premises. Otherwise, their license and permit shall be canceled automatically without prejudice to penal sanctions of this Article.

h. All establishments engaged in selling, dispensing and/or serving liquor to the public shall be adequately lighted and shall, at all times, guarantee the safety of the customers.

i. Waiters and/or waitresses employed in establishments engaged in the sale, dispensing or serving of liquors to the public shall wear nameplates, at least two (2) inches in width and one point twenty five (1.25) centimeters in height, for proper identification purposes.

j. Liquor-oriented establishments shall post a notice in bold letters measuring 2 feet by 3 feet board of a permanent nature stating that:

***“Minors below (18) years old, persons already intoxicated, and persons in possession of firearms shall***

***not be allowed inside this establishment and shall not be served liquor.”***

**SECTION 12C.04. - Fines and Penalties.** Any person who violates any provisions of this Article shall be imposeda fine of P2, 500.00 or an imprisonment of not more than thirty (30) days or both at the discretion of the court.

**ARTICLE D**

**BAN ON DRINKING LIQUOR IN PUBLIC**

**TRANSPORT TERMINALS AND STATIONS**

**SECTION 13D.01. Prohibited Acts.** No person shall drink liquor, wines and other alcoholic drinks within the premises of public transport terminals and/or stations.

**SECTION 14D.02 – Definition of Terms.** As used in this Article,

a. Person refers to any human being including but not limited to a driver, conductor, helper of a bus, jeepney, tricycle for hire, transport terminal or station personnel, barker and the like.

b. Transport terminal/station refers to an area/space wherein all public transport utilities together with the commuting public converge.

1. Park refers to an area of natural, semi-naturals, planted space or open space set aside for by and for the public.
2. Alley refers to a narrow passage way between or behind buildings.
3. Bus and Jeepney Terminal is a designated place or structure where buses and jeepneys stop to pick up and drop off passengers.
4. Road is a thoroughfare, route or way on land between two places that has been paved or otherwise improved to allow travel by foot or some form of conveyance , including a motor vehicle , cart, bicycle or horse.
5. Taxi Stand is a place where taxis may park while awaiting hire.

**SECTION 15D.03. Administrative Provisions.**

a. Drinking liquor inside bus terminal and/or station is strictly prohibited. This prohibition likewise applies to drinking inside vehicles while the said vehicle is parked within the premises of the public/private transport terminal/station.

b. The Municipal Transport Management Group shall monitor compliance to the provisions of this Article and shall issue citation ticket for violators thereof.

**SECTION 16D.04. Fines and Penalties.** Any person who violates any provisions of this Article shall be imposed a fine ofTwo Thousand Five Hundred Pesos (P2, 500.00) or an imprisonment of fifteen (15) days or both at the discretion of the court.

**ARTICLE E**

**SELLING, DISPENSING AND SERVING OF**

**BEER, LIQUOR OR OTHER ALCOHOLIC BEVERAGES**

**IN PUBLIC CARENDERIAS AND MARKET STALLS**

**SECTION 17E.01.** No person shall sell, dispense and serve beer, liquor or other alcoholic beverages in public carenderias and market stalls.

**SECTION 18E.02. DEFINITON OF TERMS.** As used in this Article,

1) Liquor refers to all intoxicating beverages such as “Whiskey”, “Brandy”, “Gin”, “Vodka”, and other kinds of foreign and domestically fermented drinks to include beer and native wines such as “Basi” “Tapey”, “Tuba”, “Lambanog”, “Meding”, and other intoxicating concoctions.

2) Market stall refers to are the stalls found at the Municipal Public Market awarded by the Municipal Government to individual stall holders.

3) Public Carenderias refers to those existing at the Municipal Public Market and those in the Satellite Public Markets.

**SECTION 19E.03. Administrative Provision.** The selling, dispensing and serving of liquor or other alcoholic beverages of any kind to the public by Public Carinderias and Market Stalls are hereby prohibited.

**SECTION 20E.04. Fines and Penalties.** The owner/manager or persons in charge of any establishments violating the provisions of this article, shall be imposed a fine of Two Thousand Five Hundred Pesos (P2, 500.00) or an imprisonment of Thirty (30) Days or both fine and imprisonment at the discretion of the court.

**ARTICLE F**

**NO LIQUOR ORIENTED-ESTABLISHMENT SHALL SERVE APERSON WHO IS ALREADY DRUNK, INTOXICATED AND BEHAVES IN A DRUNKEN, BOISTEROUS, RUDE OR INDECENT MANNER**

**SECTION 21F**.**01.REGULATED ACT**- No Establishment shall serve any person who is already drunk, intoxicated and behaves in a drunken, boisterous, rude or indecent manner, any intoxicating drink or alcoholic beverages.

**SECTION 22F.02 - DEFINITION OF TERMS:**

* + - 1. Drunk-refers to a person who is in the state of intoxication due to the effects of Alcohol Beverage taken in his body to the extent of losing control over one’s faculties or behavior.
      2. Drunken-refers to a person who is under the influence of alcohol, or a situation in which a lot of alcohol has already been drunk.
      3. Alcoholic Beverage/Drink refers to a drink that contains ethanol, a type of alcohol produced by fermentation of grains, fruits, or other sources of sugar.

**SECTION 23F.03. ADMINISTRATIVE PROVISION**

1. All Liquor- Oriented Establishments shall display in a conspicuous place inside the establishment an abstract of this article.

**“NO LIQUOR SHALL BE SERVED IN THIS ESTABLISHMENT TO ANY PERSON WHO IS ALREADY DRUNK AND INTOXICATED OF ANY ALCOHOLIC DRINK AND BEVERAGES.”**

1. All personnel of Liquor Oriented Establishments shall see to it that those entering their business establishments who are already drunk will not be allowed to buy any alcoholic drink anymore.
2. **FINES AND PENALTIES**- Any person/establishment who violates this SECTION shall be imposed the following:
3. First Offense-Fine of P1,000.00
4. Second Offense-Fine of P2,000.00
5. Third Offense- Fine of P2, 500.00 and Revocation of business permit or imprisonment of Thirty Days or both fine and imprisonment at the discretion of the court.

**SECTION 24F.04. RESTAURANTS, CARINDERIA AND EATERIES –**Restaurants, Carinderias and Eateries shall only sell, dispense or serve liquor from 10:00 a.m. to 10:00 p.m.

**SECTION 25F.05. Display of Ordinance Abstract –** All liquor-oriented establishments shall display in a conspicuous place inside the establishment an abstract of this article in addition to the notice required.

**SECTION 26F.06. [Sec. 1.-] SUPERVISION –** Liquor dealer or liquor stores, retail wine dealers and sari-sari stores shall be under the supervision of the Municipal Mayor. Whenever public interest so requires or at the request of the operator, the Municipal Mayor may post one or more policemen in the said places to maintain peace and order in around their premises until the situation for which they have been called shall have ceased to exist and enforce the provisions of this articles and other municipal or sanitary regulations in the premises.

**SECTION 27F.07. [Sec. 2.-] Revocation of Permit –** The Municipal Mayor shall revoke any permit granted under this article upon satisfactory evidence that gambling or any prohibited game has taken place within the premises of establishment mentioned in SECTION 1 hereof or upon violation of any of the provisions of this article, without prejudice to the filing of the corresponding court action against the operator.

**SECTION 28F.08. FINES AND PENALTIES**

In the case of establishments, the owner, operator, proprietor, manager, or persons in charge thereof, shall be liable and shall be imposed the following:

1. First Offense- Fine of One Thousand Pesos (P1, 000.00)

2. Second Offense- Fine of One Thousand Five Hundred Pesos (P1, 500.00)

3. Third Offense- Fine of Two Thousand Five Hundred Pesos, (P2, 500.00).

In addition to the above penalties, there shall be an automatic revocation of the license of the said establishments.

**SECTION 29F.09. [Sec. 4.-] PENALTY FOR VIOLATION OF SECTIONS NOT SPECIFICALLY PROVIDED IN THIS CHAPTER**

Any person violating any of the provisions of this chapter, the following shall be imposed upon him:

* + - 1. First Offense- Fine of Five Hundred Pesos (P500.00)
      2. Second Offense- Fine of One Thousand Pesos (P1,000.00)
      3. Third Offense- Fine of Two Thousand Five Hundred (P2, 500.00) or imprisonment of thirty (30) days. In the case of establishment, the manager/owner or officer in charge shall be liable. In addition to the above penalties, there shall be automatic revocation of the license and permits of the said establishments. The revocation of the permit and the license to operate shall be forfeited in favor of the Municipal Government of Manolo Fortich.

**ARTICLE G**

**REPEALING CLAUSE**

**SECTION 30G.01.** All ordinances, resolutions or parts thereof inconsistent with this Chapter are hereby repealed or modified.

**ARTICLE H**

**LOITERING**

**SECTION 31H.01. Prohibited Acts**. No person under the influence of liquor causing annoyance, alarm and scandal, public disturbance and disorder shall loiter and roam along streets, parks and other public places within the Municipality of Manolo Fortich, Bukidnon.

**SECTION 32H.02. Definition of Terms**. As used in this Article.

a) Under the influence of Liquor refers to the person who becomes tipsy, talkative, argumentative and over-confident due to the effects of alcohol consumed or taken in his body.

b) Public Place refers to places to include premises such as plazas, parks, street, gym, business establishments, etc. belonging to the people as a whole or by the community at large; for the use or benefit of all especially supported by government funds.

c) Annoyance refers to a state of causing disturbance, bothering an individual or public through noise or by repeated actions or nuisance.

d) Loitering or Prowling refers to an act of a person committing the offense of loitering or prowling when he is at a place or time or in a manner not usual for law-abiding individuals under circumstances that warrant a justifiable and reasonable alarm or immediate concern for the safety of persons or property in the vicinity.

e.) Liquor refers to strong alcoholic drink that includes wines, beer, locally fermented wine such as tuba, langcoga, basi and the like.

**SECTION 33H.03. Administrative provisions**.

a) No person under the influence of liquor is allowed to loiter and roam along streets, parks and public places when such person is causing annoyance, alarm and scandal, public disturbance and disorder within the Municipality of Manolo Fortich, Bukidnon.

b) Any damage to lives and properties caused by the person under the influence of liquor shall be charged to the aforesaid person.

c) The local police force in coordination with the barangay tanods shall implement the provision of this Article and may formulate additional rules and regulations relative thereto.

**SECTION 34H.04. Fines and Penalties.** Any person who violates any provisions of this article, the following shall be imposed upon him:

a. First Offense- A fine of One Thousand Pesos (P 1,000.00)

b. Second Offense- A fine of One Thousand Five Hundred Pesos

(P 1,500.00)

c. Third and Subsequent Offenses – A fine of Two Thousand Five Hundred Pesos (P2, 500.00)or imprisonment of Fifteen(15) Days or both fine and imprisonment at the discretion of the court.

In addition to the fines imposed, the violator shall be liable to pay for all the damages caused by him to any property or other person.

**ARTICLE I**

**BAN ON ILLEGAL GAMBLING**

**SECTION 35I.01 -Prohibited Act**. No person shall conduct any form of illegal gambling activities within Manolo Fortich, Bukidnon.

**SECTION 36I.02 -Definition of Terms**. As used in this Article

a. Person refers to an individual or groups conducting or sponsoring illegal gambling activities within Manolo Fortich, Bukidnon.

b. Gambling refers to an act of playing a game involving betting of money or possessions resulting to winning or losing money or valuable possessions.

**SECTION 37I.03** -**Administrative Provisions**

a. All forms of illegal gambling such as tari-tari, cara y cruz (hantak), card games and the like conducted in public view are prohibited.

b. Only allowable games shall be permitted upon securing a mayor’s permit.

c. On the case of legal cockpit operators, no cockfighting shall be conducted within the period of nine (9) days before the day of the religious fiesta celebration of the town or barangay. (transfer to games and amusement)

d. The Philippine National Police in close coordination with the barangay governments shall oversee the proper implementation of the provisions of this Article and may formulate additional rules and regulations as the need arises.

**SECTION 38I.04. Fines and Penalties**. Any person who violates any provisions of this Article, shall be imposed upon him a fine of P 2,500.00 or an imprisonment of Thirty (30) days or both at the discretion of the court.

**ARTICLE J**

**ILLEGAL CLOSURE OF IDENTIFIEDPUBLIC ROADS**

**SECTION 39J.01. Prohibited Act.** No unauthorized person shall close any identified public roads nor put up encroachments on the said roads within the municipality.

**SECTION 40J.02. DEFINITION OF TERMS:**

* 1. Road refers to is a thoroughfare, route, or way on land between two places that has been paved or otherwise improved to allow travel by foot or some form of conveyance , including a motor vehicle, cart, bicycle or horse.
  2. Closure of Road refers to the process of closing a road to prevent its usage by the public.

**SECTION 41J.03. ADMINISTRATIVE PROVISION:**

a. The Sangguniang Bayan shall regulate traffic on all streets and bridges within the municipality.

b. It shall prohibit the putting up of encroachments or obstacles thereon by any unauthorized person nor shall any person be permitted to close any identified public road within ManoloFortich.

c. When necessary and in the interest of public welfare, the Sangguniang Bayan shall authorize the removal of encroachments and illegal construction in public places which shall be implemented by the office of the Municipal Mayor.

**SECTION 42J.04. Fines and Penalties.** Any person who violates any of the provisions of this article, the following shall be imposed upon him:

a. First Offense - Fine of One Thousand Pesos (P1, 000.00)

b. Second Offense - Fine of One Thousand Five Hundred Pesos (P1, 500.00)

c. Third & Succeeding Offenses - Fine of Two Thousand Five Hundred Pesos (P2, 500.00) or 30 days Imprisonment or both fine and imprisonment at the discretion of the court.

**ARTICLE K**

**TRANSIENT VISITORS**

**SECTION 43K.01 -Regulated Acts**. Any person who stays in the barangay for more than one (1) day or Twenty Four (24) Hours shall register with the Secretary of the concerned barangay or any authorized personnel in the barangay.

**SECTION 44K.02 -Definition of Term.** As used in this Article, the following words are defined as follows:

a. Person refers to a non-resident of the Municipality who stays in the barangay with his/her friends, parents and relatives for more than one (1) day or Twenty Four (24) Hours, said person is known also as “transient visitor.”

**SECTION 45K.03**-**Administrative Provisions**

a. The concerned family where the transient person stays beyond one (1) day or Twenty Four (24) Hours shall cause the registration of the transient visitor/guest with the secretary of the concerned barangay for records purposes.

b. The Secretary of the concerned barangay shall maintain a record book for transient persons.

c. All zone leaders shall coordinate with the barangay government for the proper information and implementation of the provisions of this Article.

d. In case of failure of the host family to cause the registration with the barangay secretary their visitor/guest, the same shall be penalized under the penalty provisions of this Article.

**SECTION 46K.04–Fines and Penalties.** Any person who violates the provisions of this Article, the following shall be imposed upon him:

1. First Offense - A fine of Five Hundred Pesos ( P 500.00)
2. Second Offense- A fine of One Thousand Five ( P1,500.00)
3. Third and Succeeding Offenses- A fine of Two Thousand Five Hundred PesosP2, 500.00)or imprisonment of 30 days or both fine and imprisonment at the discretion of the court.

**ARTICLE L**

**RALLY/MOTORCADE/ PARADE AND OTHER RELATED**

**ACTIVITIES FOR ELECTION PURPOSES**

**SECTION 47L.01. Regulated Act.** No person/political party shall conduct rally/motorcade/parade and other related activities for election purposes without Mayor’s Permit.

**SECTION 48L.02. Administrative Provisions**

1. To maintain peace and order in the community during elections, all candidates must strictly observe the provisions of this article.

2. Any person/political party who desires to hold rally/motorcade/parade and other related activities must secure a Mayor’s permit at least two (2) hours before the holding of such meeting or rally if such will be held at any designated public places.

3. No other permit shall be issued for the same purpose, time and place within two hours after the conclusion of the meeting or parade/rally/motorcade/parade and other related activities.

4. Nor ally/motorcade/parade and other related activities shall last for more than six (6) hours from the time specified at the permit and no extension shall be granted if any person/political party requested to hold the same meeting or parade at the same place after two hours of adjournment.

5. No person shall molest, disturb or interfere with, or to cause the premature dissolution of the affair except the police force to keep and maintain peace and order.

6. The person/political party shall be held responsible to maintain the cleanliness of the area after the conduct of the activity.

7. No person shall carry fire arms and other deadly weapons while attending rally/motorcade/parade and other related activities.

**SECTION 49L.03. Fines and Penalties.** Any person/political party violating any provisions of this article, the following shall be imposed upon him a fine of Two Thousand Five Hundred Pesos (2,500.00) or imprisonment of Thirty (30) days or both fine and imprisonment at the discretion of the court.

**CHAPTER IX**

**PUBLIC SAFETY**

**ARTICLE A**

**TOTAL BAN OF SKY LANTERN**

**SECTION 1A.01. Prohibited Act.** No person shall be allowed to practice the use of sky lantern in the Municipality.

**SECTION 2A.02. Definition of Terms.** As used in this Article, the following shall mean:

a. Occasion refers to a special event or including but not limited to festivals, charter/foundation day, fiesta, Christmas season, and birthday.

b. Person refers to an individual human being or groups of people.

c. Sky Lantern refers to a small hot air balloon made of paper, with an opening at the bottom where a small fire is suspended.

**SECTION 3A.03** -**Administrative Provisions.**

a. The use of sky lantern in all occasions is prohibited within the municipality.

b. The Barangay Government, Local Police and the Local Fire department shall enforce the full implementation of this ordinance.

c. No exemption shall be considered at all times.

d. Any person or group of persons violating the provisions of this ordinance resulting to injuries or even loss of life, damage to properties and environment due to fire shall be held liable of any criminal offense in accordance with the law and upon the discretion of the court.

**SECTION 4A.04 Fines and Penalty.** Any person who violates any of the provisions of this Article shall be penalized by a fine of Two Thousand Five Hundred (P2,500.00) and imprisonment of 15 days or both fine and imprisonment at the discretion of the court.

**ARTICLE B**

**USE OF FIRECRACKERS AND OTHER PYROTECHNIC DEVICES**

**SECTION 5B.01** - **Regulated Act.** No person shall manufacture, sale and distribute any type of firecrackers and pyrotechnic devices in the municipality except those that are not prohibited by the Philippine National Police (PNP).

**SECTION 6B.02 -Definition of Terms**. As used in this Article the following words shall mean:

a. Pyrotechnic refers to the art of manufacturing or setting off fireworks.

b. Firecracker refers to a loud, explosive firework typically wrapped in paper and lit with a fuse.

c. Firework refers to a class of low explosive pyrotechnic devices used as aesthetics and entertainment.

d. Sale refers to the act of selling something; the exchange of goods, services, of property for money.

e. Manufacture refers to making on a large scale using machinery.

f. Distribute refers to giving, sharing, dealing out.

g. Baby rocket refers to a firecracker with a stick so constructed that lightning of the wick will propel the whole thing to lift a few meters before exploding. The firecracker is about 1 ½ inches in length and 3/8 in diameter while the stick is about a foot in length.

h. Bawang refers to a firecracker larger than a triangulo with 1/3 teaspoon of powder packed in cardboard tied around with abaca strings and wrapped in shape of garlic.

i. Small Triangulo refers to a firecracker shaped like a triangle with powder content less than the bawang and usually wrapped in brown paper measuring 2/4 inch length in its longest side.

j. Pulling of String refers to a firecracker consisting of a small tube about an inch and less than one fourth ( ¼ ) of an inch in diameter with strings on each end. Pulling both strings will cause the firecracker to explode.

k. Paper cap refers to a minute amount of black powder spread in either small strips of paper on a small sheet used for children’s toy guns.

l**.** El Diablo refers to a Firecracker tubular in shape about one and one fourth (1 ¼ ) inches in length and less than one fourth ( ¼ )inch in diameter with a wick; also known as lebintador.

m. Watusi refers to a reddish in color about one and one fourth (1 ½) inches in length and 1/10 inch in width usually ignited by friction to produce a dancing movement and a cracking sound.

n. Judah’s belt refers to a string of firecrackers consisting of either diablos or small triangulos that can number up to a hundred or thereabout and culminating in large firecracker usually a bawang.

o. Whistle device refers to any of various kinds of firecrackers or pyrotechnic devices designed to either simply emit a whistle-like sound or explode afterwards upon being ignited.

p. Butterfly refers to a Butterfly-shaped pyrotechnic device designed to lift above ground while providing light.

q. Sky rocket (kwitis) refers to a large version of baby rocket designed to be propelled to a height of forty to fifty feet before exploding.

**SECTION 7B.03**- **Administrative Provisions**

a. The manufacture, sale and distribution of any type of firecrackers and pyrotechnics devices are not allowed in the municipality.

b. Any person desiring to conduct fireworks in Manolo Fortich shall secure clearance from the Punong Barangay, Bureau of Fire Protection and the Chief of Police.

c. That during the conduct of fireworks and pyrotechnic exhibitions, it shall be fired at a distance of 100 feet away from the people.

d. All fireworks shall project upwards.

e. Sufficient approved of type of first aid protection equipment shall be at the site during exhibition.

f. Holding of fireworks and pyrotechnics exhibition shall only be allowed on the following occasions:

1) Charter Celebrations

2) Christmas seasons from December 20 to January 1 of every year

3) Birthdays

4) Anniversaries

5) Special occasions/celebrations

g. Only Baby Rocket, Bawang, Small Triangulo, Pulling of Strings, Paper Caps, el Diablo, Watusi, Judah’s Belt, Whistle Device, Butterfly Sky Rocket, all kinds of Pyrotechnic Device and other types relative hereto are allowed at the designated area provided.

h. Strictly no selling of fireworks to minors. Vendors caught selling firecrackers to minors shall be penalized.

i. All other applicable provisions of Republic Act 7183 shall form part of the provisions of this Article.

**SECTION 8B.04 – Fines and Penalties.** Any person who violates any provisions of this Article shall be imposed the following:

1. First Offense- Fine of Five Hundred Pesos (P500.00)
2. Second Offense- Fine of One Thousand Five Hundred Pesos (P1,500.00)
3. Third and Succeeding Offenses - Fine of Two Thousand Five Hundred Pesos (P2, 500.00) or an imprisonment of thirty days or both fine and imprisonment at the discretion of the court.

**ARTICLE C**

**PROVISION OF FIREFIGHTING EQUIPMENT**

**SECTION 9C.01**- **Regulated Act.** No person shall be permitted to conduct its business unless appropriate firefighting equipment are installed in its establishment.

**SECTION 10C.02 - Definition of Terms.** As used in this Article the following words shall mean:

a. Person refers to single proprietor or corporation licensed to do business catering to the general public.

b. Establishment refers to all commercial, business and industrial buildings providing various services to the public to include marts, malls, wholesale and retail stores, bodegas, banks and the like.

c. Equipment refers to all devices, gadgets and facilities used to prevent, protect and suppress in case of fire which include fire extinguishers, drums/cans filled with water, ladder, axes and the like.

**SECTION 11C.03 -Administrative Provisions**.

a. All establishments with an assessed value of Five Hundred Thousand (P500, 000.00) and above shall provide appropriate firefighting equipment and facilities in their respective work places. All other establishments below the required assessed value shall be required to provide at least a fire extinguisher or a drum filled with water.

b. The Business Permits and License Office shall see to it that this equipment and facilities are in place upon the certification of the office of the Fire Marshall before endorsing the application for business permit and license to the Municipal Mayor for approval.

c. The BPLO in close coordination with the Municipal Fire Marshall shall conduct regular inspection on all establishments to ensure that these equipment and facilities are in place and shall formulate additional rules and regulations to ensure compliance of the provisions of this article.

d. Any establishment who fails to comply with the provisions of this Article, the Municipal Mayor may suspend its business operations upon the recommendation of the BPLO and the Municipal Fire Marshall until the same shall have been complied with. In case of habitual violations, the Municipal Mayor may revoke its business permit and license and order for the closure of such establishment

**SECTION 12C.04. Fines and Penalty**. Any person who violates any provisions of this Article shall be imposed the following:

* 1. First Offense- Fine of Five Hundred Pesos (P 500.00)
  2. Second Offense- Fine of One Thousand Five Hundred Pesos (P 1, 500.00)
  3. Third and Succeeding Offenses - Fine of Two Thousand Five Hundred Pesos (P2, 500.00) or an imprisonment of thirty days or both fine and imprisonment at the discretion of the court.

**ARTICLE D**

**PROVISION OF FIRE HYDRANTS AND OTHER**

**ACCESSIBLE WATER SYSTEMS.**

**SECTION 13D.01. Regulated Act.** Any person who owns fire hydrants, water systems and facilities shall make it accessible to the local fire department during fire fighting operations and emergencies.

**SECTION 14D.02. Definition of Terms**

1. Company refers to a business organization that makes, buys or sells goods or provide services.
2. Housing Firm refers to a business organizations involved in housing.
3. Establishment refers to a public or private structure (business, governmental or educational) including buildings and equipment for business or residence.
4. Facility refers to something such as building or large piece of equipment that is built for a specific purpose.
5. Institution refers to established organizations.
6. Fire Hydrant refers to a connection point in which fire fighters can tap into a water supply.
7. Accessible Water System refers to any available water supply such as but not limited to fire hydrants, water tanks/reservoir and irrigations.
8. Fire Fighting Operation refers to fighting or controlling the spread of fire.
9. Emergency refers to unexpected situations that call for immediate action.
10. Large Scale refers to institution having large number of buildings, persons or a large area.

k. Person refers to a private or public operator/owner of fire hydrants, water systems, facilities and equipment.

**SECTION 15D.03. Administrative Provisions.**

1. No companies, housing firms, establishments, facilities and other institutions owning or having fire hydrants and other accessible water systems shall prohibit the access of the Fire Department during fire fighting operations and emergencies.
2. Any establishments, facilities and or institutions owning or having fire hydrants or any accessible water systems located near the affected area are obliged to provide access to the Fire Department.
3. The Fire Department shall have all the right to access the fire hydrants and other accessible water systems during fire fighting operations and emergencies.
4. Large scale establishments/institutions/facilities such as but not limited to factories, feed mills, depots and power plants, in coordination with the Fire Department, shall have to install fire hydrants or any accessible water systems in their respective area.
5. Public and private schools having a large number of buildings, in coordination with the Fire Department, are also required to install fire hydrants or any accessible water systems provided that the location of the said school is accessible by fire trucks.
6. Non-compliance to the provision of this ordinance shall be penalized as provided hereof.
7. The Municipal Government and the Bureau of Fire Protection shall ensure the proper compliance of the provisions of this Article.

**SECTION 16D.04** – **Fine and Penalties.** Any establishments and institutions covered by this ordinance, in violation of the provisions, shall be imposed with a fine of P2, 500.00 and suspension/revocation/non-renewal of license and business permit to operate or closure/stoppage of operation or imprisonment of 15 days or both upon the discretion of court.

**ARTICLE E**

**FIRE SAFETY AWARENESS TRAINING**

**SECTION 17E.01** - **Regulated Act.**Any person operating small and general business establishment shall undergo fire safety awareness training.

**SECTION 18E.02** - **Definition of Terms.** As used in this Article the following words shall mean:

a. Person refers to an owner/operator of a business establishment/Institutions and the like.

b. Small and General Business Establishment refers to establishments having twenty (20) employees and below.

c. Fire Safety Awareness refers to a training to acquaint any owner/operator of a business establishments/institution on the knowledge and vital information to prevent the occurrence of fire at any given time.

**SECTION 19E.03** -**Administrative Provisions.**

1. All small and general business establishments shall undergo Fire Safety Awareness at Manolo Fortich Fire Station.
2. The Bureau of Fire Protection (BFP) shall issue certificate of completion to those compliant business establishments.
3. As one of the requirements, non-compliance means non- issuance of Fire Safety Inspection Certificate (FSIC).
4. The Business Permit and License Office (BPLO) shall not issue License and Business Permit to Operate to all business establishments without securing first a Fire Safety Inspection Certificate (FSIC) from the Fire Department.

**SECTION 20E.04. Fines and Penalty**. Any small and general business establishment having violation on the provision of this Article shall be penalized with a fine of Fine of One Thousand Pesos (P1,000.00) or suspension/revocation of license and business permit.

**ARTICLE F**

**PROVISION OF FIRE FIGHTING EQUIPMENT**

**AND FIRE ALARM SYSTEMS**

**SECTION 21F.01. Regulated Acts.** Any person operating a business establishment/ building and facility shall provide adequate firefighting equipment and fire alarm systems for the prevention and suppression of fires.

**SECTION 22F.02** -**Definition of Terms.** As used in this Article, the following words shall mean:

1. Person refers to an owner/operator of any business establishment buildings and facilities.
2. Business establishment refers to a public or private structure (business, governmental or educational) including buildings and equipment for business or residence.
3. Destructive Fire refers to an extensive fire that destroys or threatens human life, animal life, health, and/or property.
4. Facility refers to a building or a large piece of equipment that is built for specific purpose.
5. Fire Alarm refers to any visual or audible signal produced by a device or system to warn the occupants of the building or fire fighting elements of the presence or danger in fire.
6. Fire Fighting Equipment refers to a device intended for the protection of buildings or persons such as fire extinguisher, fire alarm system, etc.

**SECTION 23F.03. Administrative Provisions.**

1. The Bureau of Fire Protection shall be primarily responsible for the inspection, evaluation and determining the necessary fire safety compliance of all business establishments/buildings in close coordination with the Municipal Engineering Office and the Local Police Force.
2. All owners/operators who deliberately violate the provisions of this Article, upon the recommendation of the Fire Department, the Local Government Unit reserves the right to suspend or revoke its license and business permit to operate.
3. The Business Permit and License Office (BPLO) in coordination with the local Police Force shall enforce the implementation of penalties.

**SECTION 24F.04. Fines and Penalty.** Any person who violates any provision of this article shall suffer the following:

a. 1st Offense - A fine of One Thousand Five Hundred Pesos (P1,500.00)

b. 2nd Offense - A fine of Two Thousand Five Hundred Pesos (P2,500.00) and Closure of business establishment/building and/or imprisonment of 15 days, or both closure and imprisonment at the discretion of the court.

**ARTICLE G**

**RETAILING AND DISTRIBUTION OF LIQUID**

**PETROLEUM PRODUCTS IN SODA BOTTLES**

**SECTION 25G.01. Prohibited Act**. No person shall be allowed to retail and distribute liquid petroleum products in soda bottles known as “bote-bote”.

**SECTION 26G.02. Definition of Terms.** As used in this Article the following words shall mean:

1. Person refers to an individual engaged in the retail and distribution of highly flammable liquids and gasses.
2. Retailing refers to selling of goods or products.
3. Petroleum Products refers to a flammable liquid such as kerosene, gasoline and diesel.

**SECTION 27G.03** - **Administrative Provisions.**

1. Retailing and distribution of liquid petroleum products in soda bottles also known as “bote-bote” and the like shall be strictly prohibited.
2. No permits shall be issued to the retailer and distributor who are engaged in this kind of business.
3. Business owners/operators violating the provisions provided hereof, the Local Government Unit reserves the right to suspend or revoke its license and business permit to operate.
4. A joint task force shall be created to enforce the provisions of this ordinance.

**SECTION 28G.04. Fines and Penalty**. Any person who violates any provision of this article shall suffer the following:

1. First Offense - A fine of Two Thousand Five Hundred Pesos, (P2, 500.00) and suspension/revocation/non-renewal/non-approval of license and business permit.
2. Second Offense - closure or stoppage of operation, or 20 days imprisonment or both closure and imprisonment at the discretion of the court.

**ARTICLE H**

**PROVISION OF FIRE EXTINGUISHER AND OTHER**

**FIRST AIDE FIREFIGHTING EQUIPMENT**

**SECTION 29H.01** - **Regulated Act.** Any person who owns any form of public utility vehicles, trucking and rental services, government and private vehicle owners shall provide the necessary fire extinguishers and other first aid firefighting equipment.

**SECTION 30H.02 – Definition of Terms.** As used in this article the following words shall mean:

1. Person refers to an owner/operator of any form of motor vehicle whether government-owned, privately-owned or for public utility services.
2. Fire Extinguisher refers to a portable device that discharges a jet of water, foam or other material to extinguish a fire.
3. Fire Safety refers to a state of being safe from harm or danger brought about by fire.
4. Fire fighting Element refers to group of people knowledgeable in responding fire incident.
5. First Aide Fire Fighting Equipment refers to the necessary items to be used to eliminate or control the spread of fire such as fire extinguishers, drums/cans filled with water or sand, etc.
6. Vehicle refers to any motor driven equipment items such as trucks, heavy construction equipment, buses, vans, multi-cabs, PUVs, jeeps, farm tractors and the like whether government or privately owned transportation equipment.
7. Public Utility Vehicles refers to any vehicle used to transport passenger such as tri-cabs, multicabs, jeepneys, buses and etc.
8. Trucking Services refers to a business that rents any transportation purposely for transporting goods.

**SECTION 31H.03 - Administrative Provisions.**

**a. Public Utility Vehicles, Trucking and Rental Services.**

1. All types of transportation purposely for public use, trucking and rental such as but not limited to Multicab, Jeepney, Van, Truck and heavy equipments are covered by this ordinance.
2. All owners/operators of public utility vehicles, trucking and rental services based in the Municipality are mandated to register their unit/s and secure license and permit at the Business Permit and License Office (BPLO) before operating.
3. All owners/operators shall comply the necessary requirements prior to the issuance of license and business permit to operate.
4. Owners/operators who violate this provision, the Municipal Government reserves the right to suspend or revoke its license and business permit to operate or impose other penalties provided under Article IV.
5. The Manolo Fortich Road and Traffic Administration (MFRTA) in coordination with the Local Police shall enforce the full implementation of the provisions provided in this SECTION.

**b. Government Vehicles and Equipment.**

1. All government owned (National, Local, Government Owned and Controlled Corporation) transportation and equipment based in the municipality are required to provide appropriate type of fire extinguisher in every unit.
2. The Municipal Government shall enforce the full implementation of the provision provided in this SECTION.

**c. Private Vehicles.**

All private vehicle owners are encouraged to provide appropriate type of fire extinguisher to their unit/s in order to prevent severe damage caused by fire and to respond in any vehicular fire incident.

**SECTION 32H.04**- Fines and Penalty**.** Any person who violates any provision of this Article shall suffer the following:

1. First Offense - A fine of Two Thousand Five Hundred Pesos (P2, 500.00) per unit or suspension/revocation of license and business permit to operate.

2. Second Offense-Suspension or revocation or an imprisonment of ten (10) days or both fine and imprisonment at the discretion of the court.

**ARTICLE I**

**HOUSEHOLDS**

**SECTION 33I.01. Regulated Act.** Every household shall provide fire fighting tool and equipment.

**SECTION 34I.02. Definition of Terms-** As used in this Article the following words shall mean:

a. Household refers to people living together in one house.

b. Injury refers to harm or damage.

* 1. Loss of Life refers to the incapability of a human being to continue living or being alive.

d.Occupant refers to a person/household who resides at the house or building.

**SECTION 35I.03** – **Administrative Provision**

1. Every household shall have the option to provide a drum or any large container filled with water or at least one (1) unit of fire extinguisher or more depending on the floor area and number of storey of the house or building.
2. Drums or any large containers filled with water must be placed in conspicuous places for easy access of the other household members and fire fighting element and must be properly covered to prevent the spread of mosquito and other possible health issues.
3. The Barangay Government shall have the responsibility for the information dissemination and evaluation/ inspection to its constituents for the full implementation of the provisions provided hereof.
4. The Barangay Government shall designate lecturer/s duly oriented by the Fire Department to conduct lecture/orientation to its constituents.
5. The Barangay Government shall issue a letter with a received copy to every household indicating the requirements and its corresponding penalties.
6. The households are given sixty (60) days to comply with all the requirements from the date of receipt of the letter.

**SECTION 36I.04** –**Fines and Penalty.** Any person who violates any provision of this Article shall be penalized by a fine of Two Thousand Five Hundred Pesos ( P2,500.00) or imprisonment of 30 days or both fine and imprisonment, upon the discretion of the court**.**

**ARTICLE J**

**BAN ON THE RETAIL AND DISTRIBUTION OF**

**REFILLED BUTANE CANISTER**

**SECTION 37J.01. Prohibited Act**. No person is allowed to retail and distribute refilled butane canisters.

**SECTION 38J.02.Definition of Terms.** As used in this article the following words are defined as follows:

1. Person refers to an individual engaged in the retail and distribution of highly flammable liquids and gasses.
2. Butane refers to a highly flammable gas used as fuel.
3. Canister refers toa round or cylindrical container, typically one made of metal, used for storing butane and other highly flammable gases.
4. Retailing refers to selling of goods or products.
5. Manufacturer refers to a person producing illegally refilled butane canister.

**SECTION39J.03. Administrative Provisions.**

1. Retail and distribution of refilled butane canisters are prohibited.
2. Refilling of butane canisters is an illegal practice, and is not duly accredited by the Department of Energy (DOE).
3. No permits shall be issued to the distributor and manufacturer of refilled butane canisters.
4. Business owners/operators selling or displaying refilled butane canisters shall be liable in violation of the provision provided hereof. The Local Government Unit reserves the right to suspend or revoke its license and business permit to operate.
5. A joint task force shall be created to enforce the provisions of this article.

**SECTION 40J.04**. **Fines and Penalty**. Any person who violates any provision of this article shall suffer the following:

1. First Offense – Fine of One Thousand Pesos (P 1,000.00).
2. Second Offense - Fine of Two Thousand Pesos (P2, 000.00) and suspension/ of license or permit for six months.
3. Third Offense – Fine of Two Thousand Five Hundred (P2,500.00) and revocation of license and business permit or imprisonment of not more than 30 days or both fine and imprisonment at the discretion of the court without prejudice to the filing of a separate case pursuant to existing laws on the matter.

**ARTICLE K**

**PARKING OF VEHICLES CARRYING HAZARDOUS MATERIALS**

**SECTION 41K.01. Prohibited Act**. No person owning/operating vehicles carrying Hazardous Materials shall be allowed to park on or near the residential or populated and public areas.

**SECTION 42K.02. Definition of Terms.** As used in this Article:

1. Person refers to the owner/operator/driver of vehicles carrying hazardous materials.
2. Hazardous Material refers to any item or agent (biological, chemical, radiological, and/or physical), which has the potential to cause harm to humans, animals, or the environment.
3. Vehicle refers to any form of transportation carrying Hazardous Materials such as but not limited to tanker and lorry.

**SECTION 43K.O3. Administrative Provisions.**

1. Vehicles carrying hazardous materials should deliver or carry its cargo from origin to its destination.
2. In case of necessity, vehicles can only stop or park 700 meters away from a residential, populated and public places.
3. Vehicles can only stop or park on a specified areas wherein it serves its purpose like refilling of liquid petroleum products on gas stations and the like.
4. Vehicles based in the municipality, the owner/operator shall provide garage away from the specified areas.
5. Manolo Fortich Road and Traffic Administration (MFRTA) in coordination with the Local Police shall enforce the provisions provided in this Article.

**SECTION 44K.04. Fines and Penalty.** Any person who violates any provision of this article shall be imposed the following:

a. First Offense- A fine of Two Thousand Five Hundred Pesos (P 2,500.00).

b. Second Offense- A fine of P 2,500.00 plus suspension of license or Mayor’s permit for six (6) months.

c. Third Offense- Fine of P2,500.00 plus revocation of license and business permit.

**CHAPTER X**

**YOUTH/CHILDREN**

**ARTICLE A**

**CURFEW HOURS FOR MINORS**

**SECTION 1A.01. Regulated Acts.** No minor shall be allowed to go out from their houses and loiter around in public places from 8:00 PM- 4:00 A.M. without justifiable cause.

**SECTION 2A.02. Definition of Terms.** As used in this article,

a. Minor refers to any person below 18 years of age or those that are over but are unable to fully take care of themselves or protect themselves from abuse, neglect cruelty, exploitation or discrimination because of mental or physical disability or condition.

b. Public place refers to any place which shall not be limited to streets, parks, plazas, markets, public halls, video and karaoke bars, coffee shops and private and commercial establishments, centers, institutions or entities.

c. Loiter means to hang around a place for a protracted time without apparent purpose.

**SECTION 3A.03. Administrative Provisions.**

a. No minors shall go out from their homes from 8:00 PM to 4:00 AM except on the following situations:

a-1. National or local calamities and emergencies

a-2.Accompanied by an adult within the fourth degree of consanguinity and affinity.

a-3. When minors are attending family celebrations or parties held outside homes/ residences during night time and while on their way from such celebration or parties.

a-4. Minors attending activities in connection with Barangay and Municipal Charter activities and other activities sanctioned/sponsored by the barangay, municipal, provincial and national governments and while on their way from such activities.

a-5. When the minor is doing an errand for the purpose of saving lives during emergency situations or any other legitimate purpose.

b. It shall be likewise punishable for every owner of commercial establishments, entities, centers or institutions to unlawfully or without justifiable cause allow or tolerate entry, keeping or maintenance of any minor during prohibited hours. The owners, proprietors, operators, possessors, managers, or administrators of said business establishments are required to display at least one (1) legible and visible sign posted within their premises quoting:

**“ MINORS ARE PROHIBITED FROM STAYING IN THIS**

**ESTABLISHMENT BEYOND TEN (10) P.M.”**

c. All minors apprehended during the curfew hours shall be brought to their respective homes or shall be detained at the Local Police Station for safekeeping and be released the following day. The parents shall be responsible for the payment of fines as provided for under the penalty provisions.

d. The Local Police force in coordination with the Barangay Tanods shall implement the provisions of this Article and shall formulate additional rules and regulations.

**SECTION 4A.04. Fines and Penalty.**

a. The owner of any commercial establishment, entity, center or institution found violating this ordinance shall suffer the following:

1. First Offense- A fine of Five Hundred Pesos (P500.00)
2. Second Offense- A fine of One Thousand Five Hundred Pesos ( P1,500.00)
3. Third Offense A fine of P 2,500.00 or revocation of the pertinent license or permits for subsequent violations.

b. The parents of the violating minors shall suffer:

1. First Offense- A fine of Five Hundred Pesos (P 500.00)
2. Second Offense- Fine of One Thousand Pesos ( P1,000.00)
3. Third Offense and Succeeding Offenses- Fine of Two Thousand Pesos( P2,500.00 )

**ARTICLE B**

**IMPOSING DISCIPLINARY ACTION TO PUPILS AND**

**STUDENTS NOT ATTENDING AND OR CUTTING CLASSES**

**SECTION 5B.01 Prohibited Acts**. No elementary pupils or secondary students shall be allowed to stay and or standby in stores, private residential and other establishment during class hours.

**SECTION 6B.02. Definition of Terms**. As used in this article, the following words shall mean:

1. Pupil refers to elementary children enrolled in different public and private elementary schools in the Municipality of Manolo Fortich, Bukidnon.
2. Student refers to secondary/ high school children enrolled both in public and private schools in the Municipality of Manolo Fortich, Bukidnon.
3. Cutting Classes is an intentional act of not attending classes and or going out of the classroom or out of the school campus while classes are still going on.

**SECTION 7B.03- Administrative Provisions.**

1. No pupils and or students are allowed to be absent from class without valid reasons.
2. No pupils and or students are allowed to cut classes.
3. No pupils and or students are allowed to stay/standby in stores, private residences and other establishments during school days particularly during classes hours.

**SECTION 8B.04. - Penalties.** For pupils and or students caught not attending classes or cutting classes is sanctioned as follows;

1. First Offense- be rescued and be sent to their parents and or guardians for parental guidance

# Second Offense - both the parents and the student or pupil be rescued for counseling by the school guidance counselor and or Barangay Council for the Protection of Children (BCPC)

1. Third Offense –both the parents and or guardian and the student or pupils be rescued for counselling by the LCPC and or MSWD.

**ARTICLE C**

**ALLOWING PUPILS AND OR STUDENTS TO STAY AND OR STANDBY IN STORES AND OTHER ESTABLISHMENTS DURING CLASS HOURS**

**SECTION 9C.01. Prohibited Act**. No store owners and or home owners shall tolerate pupils and or students to stay or standby in their premises during school days particularly during class hours.

**SECTION 10C.02. Definition of Terms**. As used in this Article;

1. Pupil refers to elementary school children enrolled in both public and private schools in the Municipality of Manolo Fortich, Bukidnon.
2. Student refers to any secondary/high school students enrolled in both public and private high schools in the municipality of Manolo Fortich, Bukidnon.
3. Store owner refers to manager, proprietor and caretaker of sari-sari store, dry goods store, or any business establishments.
4. Home owner refers to any person owning a residential house and boarding house.
5. Class hour is the school program of class schedules which usually starts from 7:00am to 12:00 noon, 1:00 to 4:30pm from Monday to Friday of every week.

**SECTION 11C. 03. Administrative Provision.**

1. No store owners, home owners and managers or proprietors of business establishments shall tolerate pupils and or students to stay or standby in their premises during class hours.

**SECTION 12C.04. Fines and Penalties**. Any store owners, home owners, managers and or proprietor who violate the provision of this Article shall be penalized by a fine of;

1. First Offense- Warning
2. Second Offense- Fine of one thousand (1,000.00) pesos
3. Third Offense- Fine of two thousand five hundred (2,500.00) pesos and or revocation of business permits in cases of storeowners and commercial business establishments.

**ARTICLE D**

**REGULATING THE USE OF CELLPHONES, TABLETS AND**

**OTHER GADGETS DURING CLASS HOURS**

**SECTION 13D.01 Prohibited Act** -No pupil and or student shall be allowed to use cellphone and or tablet inside the classroom while classes are going on.

**SECTION 14D.02. Definition of Terms –** As used in this article, the following words shall mean:

1. Cellphone refers to any mobile phones.
2. Tablet refers to a mobile computing device.
3. Gadget refers to any device which shall include but not limited to laptop, camera and the like.
4. Pupil is an elementary learner enrolled both in public and private schools in the municipality of Manolo Fortich, Bukidnon.
5. Student is a secondary/ high school learner enrolled in both public and private schools in the Municipality of Manolo Fortich, Bukidnon.

**SECTION 15D.03- Administrative Provisions**

1. No pupil and or student is allowed to use cellphone and or tablet or any form of gadget inside the classroom while classes are going on.
2. School administrators and or teachers/class advisers must provide a safety box for the cellphones, tablet or any gadget of the pupils/ students while the class is going on and be returned to the owner after the class.
3. School Administrators, Teachers/Class Advisers and School Personnel must install system in the school to safeguard the cellphone, tablet and other gadget of the pupils/ students and to answer emergency calls while the class is going on.

**SECTION 16D.04. Penalties**- Any pupil and or student caught using cellphone, tablet or gadget inside the classroom shall be sanctioned the following;

1. First Offense -Be reported to school guidance counsellor for counselling.

1. Second Offense- Both parents and the student or pupil shall be subjected for counselling by the Barangay Council for the Protection of Children (BCPC)
2. Third Offense - Both the parents / guardians and the student or pupils be rescued for counselling by the personnel of the Municipal Social Welfare and Development (MSWD).

**CHAPTER 11**

**PUBLIC EMPLOYMENT**

**ARTICLE A**

**HIRING OF WORKFORCE**

**SECTION 1A.01. Regulated Act**- Any person who needs workers for its business operation shall hire at least forty (40%) percent from qualified and bonafide residents of Manolo Fortich.

**SECTION 2A.02. Definition of Terms.** – As used in this Article,

a) Person refers to an owner, operator, proprietor or investor of a business engaged in selling, manufacturing, processing and production of goods and services, construction and infrastructure ventures which need substantial workforces.

b) Workforce refers to all skilled or unskilled workers in their respective field of expertise in the labor industry as defined by the Department of Labor and Employment.

C) Business establishment refers to all privately-owned buildings, offices, business establishments such as malls, markets, stores, eateries, amusement and entertainment centers that provides services to the public, agro-industrial plants, factories and infrastructure businesses

d) Qualified and Bonafide resident refers to a person who is an actual resident of Manolo Fortich for at least one (1) year, a registered resident and a registered voter in his/her barangay, of good moral and law-abiding resident as certified by the Punong Barangay and possesses the necessary skills as a worker in his/her field of expertise.

**SECTION 3A.03**. **Administrative Provisions.**

a) All business establishments shall upon applying for business permits and licenses shall submit a master list of their workforce to the Office of Public Employment Service Officer indicating the percentage of locally employed workers for the renewal of application and the number of workforce and specific labor to be employed for new applicants who shall recommend for the issuance of such permit and license by the Municipal Mayor.

b) All business establishments qualified and bonafide residents of Manolo Fortich shall be given preference for hiring by the business establishments concerned except for highly technical positions and expertise where there are no qualified residents in the municipality.

c) All the applicable labor laws, policies, rules, regulations and other related statutes implemented through the Department of Labor and Employment (DOLE) shall be applied and shall form part of the provisions of this Article.

d) Any habitual violation or defiance of the provisions of this Article, the Municipal Government reserves the right to order for the suspension or closure of the said establishment after due process in addition to the penalty imposed in this Article and those of the Labor laws implemented by the Department of Labor and Employment (DOLE).

E) The Office of the Public Employment Service Office (PESO) shall oversee the full enforcement of the provisions of this Article and shall coordinate closely with the Department of Labor and Employment in implementing, monitoring and formulating additional implementing rules and regulations

**SECTION 4A.04. Fines and Penalty**– Any person who violated the provisions of this Article shall be penalized by a fine of Two Thousand Five Hundred Pesos (P2, 500.00) or an imprisonment of 30 days or both fine and imprisonment at the discretion of the proper court.

**CHAPTER XII**

**TRAFFIC AND TRANSPORTATION**

**ARTICLE A**

**PARKING SPACE FOR BUSINESS ESTABLISHMENTS**

**ALONG NATIONAL HIGHWAY**

**SECTION 1A.01. Regulated Act.-**Any person operating a business establishment shall provide an appropriate parking space for its customers.

**SECTION 2A.02. Definition of Terms. As used in this Article**

1. Parking Space refers to a space where automobile and other vehicles can be parked.
2. Business establishment refers to an establishment (a factory or an assembly plant or retail store or warehouse, food chains, restaurants etc.) where business is conducted, goods are made or stored or processed or where services are rendered.

**SECTION 3A.03. Administrative Provisions.**

a)This act requires every business establishment along National Highway to provide parking space to their employees, clients and establishment’s own vehicles.

b) For new business establishment, it shall be required for them to have parking space and secure clearance from the office of the Manolo Fortich Roads and Traffic Administration (MFRTA) and so with the existing establishment as one of the requirements for the renewal of their business permit.

c) Business Establishment shall provide parking space with the measurements /dimensions approved by the Municipal Engineering Office (MEO) and or the Department of Public Works and Highways (DPWH).

**SECTION 4A.04. Penalty** – Any Business Establishment failure to comply is subject to pay P2, 500.00, non-issuance or non-renewal of Business Permit from the Municipal Mayor or both.

**ARTICLE B**

**BLOCKING AND PARKING OF VEHICLES ALONG**

**NARROW ROADS IN THE MUNICIPALITY**

**SECTION 5B.01- Prohibited Act**. No person shall park and block along the narrow roads and streets in the Municipality of Manolo Fortich, Bukidnon.

**SECTION 6B.02**-**Definition of Terms.** As used in this Article,

. a. Blocking refers to hinder the passage or interposing obstruction.

b. Densely Populated Area refers to a place crowded with people.

1. Emergency Vehicles refer to vehicles used for responding emergency situations such as fire truck, police patrol, ambulance and etc.
2. Garage refers to a building or part of the building in which a car, truck, etc. is kept.
3. Impounding refers to seize and hold in the custody of the law.
4. Liable refers to legally responsible for something.
5. Narrow Road refers to less wide or less than standard roads.
6. Notice refers to information or warning for something.
7. Person refers to the owner of a motor vehicle.
8. Parking refers to leaving a vehicle in a particular place.

k. Passage refers to a road or path by which something passes.

**SECTION 7B.03** -**Administrative Provisions.**

a. Blocking and parking along narrow roads particularly on densely populated areas, residential areas, housing, subdivisions and the like is prohibited.

b. The Barangay Government shall identify the areas wherein there is a necessity for the imposition and shall be primarily responsible for the information dissemination to its constituents.

c. The Barangay Government shall then give notice to the violators of the provisions of this ordinance.

d. Vehicle owners/operators without garage are required to provide within six (6) months upon receipt of the notice.

e. Non-compliance of the said requirements within the given period shall be held liable.

f. Manolo Fortich Road and Traffic Authority (MFRTA), in coordination with the local Police, are responsible for the enforcement of the provisions provided hereof.

**SECTION 8B.04 –Fines and Penalty.** Any person who violates any provisions of this Article shall penalized by a fine of Two Thousand Five Hundred Pesos (P2,500.00) and imprisonment of 15 days or impounding of unit/s or both, upon the discretion of the court.

**ARTICLE C**

**DRYING OF FARM PRODUCTS ON THE ROADS**

**SECTION 9C.01. Prohibited Act** – No person shall dry farm products in any Barangay, Municipal, Provincial and National Road SECTIONs in the Municipality of Manolo Fortich.

**SECTION 10C.02. Definition of terms.** As used in this article the following are defined as follows:

a. Farm Product refers to Corn, Rice, Cassava, Tobacco, Abaca Fiber, coffee beans and the like.

**SECTION 11C.03.Administrative Provisions.**

1. All farm products must be dried only at private driers or in any drier owned by the barangay or municipality whether for free or a fee.
2. It is unlawful for any person to dry farm products in any barangay, municipal, provincial and national roads.
3. All barangays must monitor that this article be implemented.

**SECTION 12C.04. Fines and Penalty.** Any person who violates any provision of this article shall be imposed the following:

1. First Offense- Fine of Five Hundred Pesos (P500.00)
2. Second Offense- Fine of One Thousand Five Hundred (P1, 500.00)
3. Third Offense- Fine of Two Thousand Five Hundred Pesos(P2, 500.00) or imprisonment of fifteen days or both fine and imprisonment at the discretion of the court.

**ARTICLE D**

**PROVISION OF PARKING SPACES BY BUSINESS ESTABLISHMENTS**

**SECTION 13D.01. Regulated Act.** An owner of a business establishment shall provide a parking area for its customers and its employees.

**SECTION 14D.02. Definition of Terms**. As used in this Article,

a. Parking refers to the act of stopping and disengaging a vehicle and leaving it unoccupied.

b. Parking Space refers to a location that is designated for parking vehicles, either paved or unpaved. The space maybe delineated by road surface markings.

c. Off Street Parking refers to a driveway, garage or lot facility where vehicles are parked and not left in the streets.

d. Business establishment refers to an establishment (a factory or an assembly plant or retail store or warehouse, food chains, restaurants, etc.) where business is conducted, goods are made or stored or processed or where services are rendered.

**SECTION 15D .03** - **Administrative Provision.**

a. This article requires every owner of business establishment along the National Highway to provide parking space for their employees, clients and for its own vehicles.

b. New business establishments are required to provide parking space and secure clearance from the Office of the Manolo Fortich Roads and Traffic Administration (MFRTA) and so with the existing establishment as one of the requirements for the renewal of their business permit.

c. Grain buyers and wholesalers shall provide spaces which can be utilized as “off street” parking areas so as not to endanger the public passing the areas where grains are purchased or sold by the private establishments.

d. Business Establishment shall provide parking space with the measurements /dimensions approved by the Municipal Engineering Office (MEO) and or the Department of Public Works and Highways (DPWH).

**SECTION 16D.04** –Fines and Penalty**.** Any person who violates any provision of this Article shall suffer the following:

1. First Offense – Fine of Two Thousand Five Hundred Pesos ( P2,500.00)
2. Second Offense – A fine of P2, 500.00 plus Revocation or suspension of the business permit and license or imprisonment of thirty days or revocation, suspension and fine all at the discretion of the court.

**ARTICLE E**

**TRUCK BAN**

**SECTION 17E.01. Regulated Act**- No drivers of cargo trucks shall pass or ply in the Manolo Fortich Highway particularly Lower Sosohon (Calva Milling) to Dicklum (Matthew’s Grill) from 7:00am-8:30am, 11:30am-1:00pm and 3:45pm-6:00pm Monday-Friday to reduce traffic congestion during the said time.

**SECTION 18E.02. Definition of Terms.** As used in this Article,

a. Cargo Truck refers to a motor vehicle principally intended for carrying cargo such as lorries, vans, tankers or other delivery vehicle , whether loaded or empty, having a gross capacity of more than Four Thousand Five Hundred ( 4,500) kilos.

**SECTION 19E.03. Administrative Provisions.**

a. No cargo trucks are allowed to pass/ply in the Manolo Fortich Highway particularly from Lower Sosohon( Calva Milling) to Dicklum particularly at Matthews Grill from 7 a.m. 8:30am, 11:30am-1:00pm and 3:45pm-6:00pm Monday-Friday to reduce traffic congestion during the said time.

b. The Municipal Traffic Management Group shall identify an alternative route for cargo trucks to ply or pass during the aforestated period of truck ban.

**SECTION 20E.04. Fines and Penalty**- Any driver who violates any provision of this Article shall be imposed the following;

a. First Offense- Fine of Five Hundred Pesos (P500.00) with an issuance of Citation Ticket.

b.Second Offense - Fine of One Thousand Five Hundred Pesos (P1,500.00) with an issuance of Citation Ticket.

c.Third and Succeeding Offenses- Fine of Two Thousand Five Hundred Pesos (P2, 500.00) with an issuance of citation ticket or imprisonment of Thirty (30) days or both fine and penalty at the discretion of the court.

**CHAPTER XIII**

**FINAL PROVISIONS**

**ARTICLE A**

**GENERAL PENAL PROVISIONS**

**SECTION 1A.01-Penalty**. Any violation of the provisions of this Code, or the rules and regulations promulgated under the authority of this Code, but not covered by a specific penalty hereof shall be penalized by a fine not exceeding Two Thousand Five Hundred (PhP 2,500.00) Pesos, or imprisonment not exceeding thirty days or to suffer both fine and imprisonment upon the discretion of the court.

If the violation is committed by any juridical entity, the President, Manager , Head of Office of a Local Government Unit, elected and appointed officials alike, or any person entrusted with the administration thereof at the time of the commission of the offense shall be held responsible or liable thereof.

**SECTION 2A.02 -Citation Ticket**. In lieu of the arrest and prosecution, a citation ticket shall be issued to any person found violating the provisions of this Code. It shall be issued by an Officer, authorized by the Municipal Mayor, who had completed the required training or seminar conducted for that purpose. Any offender who fails to pay the penalties within seventy two hours (72) upon the issuance of their citation ticket shall be prosecuted before the courts.

In case the violator is transient, the apprehending officer shall be given the authority to issue an official receipt of payment for the on-site payment of the transient violator who paid for his/her penalty fee/fine through any of the authorized collection agent of the Municipality

**SECTION 3A.03**- Community Service***-*** In case a violator/s could not pay the administrative fine imposed under this Ordinance, he/she may opt to render community service in lieu of paying the administrative fine at the rate equivalent to eight hours per Five Hundred Pesos (P500.00) worth of administrative fine. The community service shall include collection of garbage, cleaning of streets and graffiti, declogging of canals and drains, and other tasks relative to the beautification and clean and green program of the Municipality. At the discretion of the head of the Enforcers or the person authorized. Violator who opts to render community service maybe allowed to serve his/her penalty by doing the above-mentioned services; *provided*, that his/her required community service is not less than six (6) days.

SECTION **4A.04.** Apportioning or Sharing of the Proceeds of Administrative/Judicial Fine*:*

The proceeds of the administrative fines collected from or paid by violators to the municipality who opted to settle their violation administratively during the reglamentary period of 72 hours from the time of arrest, shall be apportioned as Fifty (50%) percent of the fine paid by the offense shall accrue to the general fund of the Municipal Government and the other 50% of the fine shall be given to the arresting officer/apprehending person.

**ARTICLE B**

**SEPARABILITY, APPLICABILITY, REPEALING**

**AND EFFECTIVITY CLAUSES**

**SECTION 5B.01 -Separability Clause**. If, for any reason, any provisions, citation or part of this Code is declared not valid by a Court of competent jurisdiction or suspended or revoked by the authorities concerned, such judgment shall not affect or impair the remaining provisions, SECTIONs, or parts which shall continue to be in force and effect.

**SECTION 6B.02**- **Applicability Clause.** All other related matters not specifically provided in this Code shall be governed by the pertinent provisions of the existing applicable laws and ordinances.

**SECTION 7B.03 -Repealing Clause**. All ordinances, rules and regulations, or parts thereof, in conflict with, or inconsistent with any of the provisions of this Code are hereby repealed or modified accordingly. Should there be existing general or special ordinances which are inadvertently excluded in the codification process during the formulation of this Code, shall continue to be in full force and in effect provided that they are not in conflict with, or contrary to, the provisions of this Code.

**SECTION 8B.04. Effectivity.** This Code shall take effect on January 1, 2020.

