

5-31-91
Excellently
9:35 A.M.

Republic of the Philippines
Province of Iloilo
MUNICIPALITY OF OTON



OFFICE OF THE SANGGUNIANG BAYAN

EXCLERPTS from the Minutes of the Sangguniang Bayan of Oton, Iloilo in its Regular Session held at the Municipal Session Hall last May 7, 1991, 2:20 in the afternoon.

PRESENT:

Hon. FELIX L. FLORES	Presiding Officer [Mayor]
" ANITA B. SILLA	Member [Vice Mayor]
" ERNESTO A. TEMPLANZA	Member
" JOSE MA. M. MASCULINO	Member [Floor Leader]
" ANGELES S. ESCANLAR	Member
" BLAS B. CORDOVA	Member
" CONRADO P. JURAO	Member
" ALBERTO S. CLAVEL	Member [Asst. Floor Leader]
" ANTONIO C. ECUBE	Member
" RAMON M. PANIQUE	Member [Ind. Labor Sector Rep.]
" ELIODORO C. COFREROS	Member [ABC Representative]
" NEOMEDIA C. GUILLERGAN	Member [Agri. Labor Sector Rep.]
" VICENTE L. FLORES	

ABSENT: NONE

RESOLUTION NO. 20
Series of 1991

WHEREAS, the stepped up economic, physical and infrastructure development of the Municipality of Oton brings to the fore the need to enact a pollution ordinance which shall define, delimit and shall embody the rules and regulations necessary to insure the health and safety of the people and marine life within the jurisdiction of Oton, Iloilo;

WHEREAS, the accelerating economic growth brought about by the operation of new industries, will certainly create some problems to the populace and to other profitable business enterprise in the community thus prompted this body to make and prepare a thorough study of the actual situation of the municipality now and in the incoming years;

WHEREAS, one of the major problems that confronted this body is the possible air and water pollution once the industries gets into full swing operation in Oton, Iloilo;

WHEREAS, Ordinance No. 03s, s. 1991 of the Sangguniang Bayan of Oton, Iloilo is in accordance to the powers granted to local government units, according to the Office of the Provincial Attorney of the Province of Iloilo, however, it recommends that the penalty clause stated in Section 13 of Ordinance No. 03s, s. 1991 be amended;

WHEREAS, the Sangguniang Bayan of Oton, Iloilo during its Regular Session held last May 7, 1991 unanimously approved to amend Section 13, paragraphs "a", "b", "c" and "d" so as to provide fine and imprisonment within the limits provided for by Section 149 1(c) of the Local Government Code

Handwritten notes:
1/23/91
W.F. [Signature]
and [Signature]

NOW THEREFORE, on motion of Hon. Comrado Jurao, and unanimously seconded, the Body

RESOLVED as it hereby resolved to enact the foregoing ordinance as a safeguard of the municipality against possible pollution problem which read as follows:

ORDINANCE NO. 88
Series of 1991

ORDINANCE AMENDING ORDINANCE NO. 03s, s. 1991, AN ORDINANCE REGULATING AND CONTROLLING THE DISCHARGE OF INDUSTRIAL AND OTHER WASTES INTO THE ATMOSPHERIC AIR OR BODY OF WATER WITHIN THE TERRITORIAL JURISDICTION OF THE MUNICIPALITY OF OTON FOR THE PURPOSE OF ABATEMENT AND PREVENTION OF POLLUTION, PROVIDING PENALTIES FOR ITS VIOLATION, AND FOR OTHER PURPOSES.

Be it ordained by the Sangguniang Bayan of Oton, Province of Iloilo, in session assembled, that:

SECTION 1.- This ordinance shall be known as the Pollution Control Ordinance for the Municipality of Oton.

SECTION 2.- The enforcement of the Provisions of this Ordinance shall be under the supervision and control of the Municipal Mayor including the power to close any firm, industry, private institution, corporation, association, trust or entity which by its waste caused pollution to the body of water, air or environ within the jurisdiction of Oton, Iloilo, regardless whether there is a clearance from the Philippine Pollution Commission.

SECTION 3.- Except as otherwise provided, for the purpose of this ordinance, whenever any of the following words or terms are used herein or in any amendments thereto, they shall have the same meaning ascribed to them in this section.

- a. "Pollution" means such alteration of the physical, chemical and/or biological properties of any water and/or atmospheric air within the territorial limits of the Municipality of Oton or any such discharge of any liquid, gaseous or solid substance into any body of water and/or atmospheric air within said municipality as well or is likely to create or render such water and/or atmospheric air harmful or detrimental or injurious to public health, safety or welfare or to domestic, commercial, industrial, agricultural, recreational or other legitimate uses, or to livestock, wild animals, birds, fishes, or other aquatic life therein.
- b. "Person" means any individual, private institution, industry, co-partnership, association, firm, trust or any other entity whatsoever.
- c. "Sewage" means the water-carried human or animal wastes from residence, buildings, industrial establishments, or other places, together with such water infiltration and surface water as may be present. The admixture of sewage as above defined and industrial wastes or other wastes hereafter defined, shall be considered as "Sewage".

- d. "Industrial Waste" means any liquid, gaseous or solid matter, or other waste substance or a combination thereof resulting from and process of industry, manufacturing trade or business or from the development, processing or recovery of any natural resources.
- e. "Other Waste" means garbage, refuse, wood residue, sand, lime cinders, ashes, offal, night soil, tar, dyestuff, acids, chemicals, and other substances not sewage or industrial waste which may cause or tend to cause pollution or contribute to the pollution of the waters and/or atmospheric air within the Municipality of Oton.
- f. "Air Pollution" means the discharging from stacks, chimney openings, buildings, structures, open fires, vehicles, process or any other source of any smoke, soot, fly, ash, cinders, fumes, gases vapors, odors or any other matters in such place, manner, or concentration inimical to the health, safety or welfare of the public, business or property or in excess of the limitations established in the Rules and Regulations of the National Pollution Control Commission as published in the Official Gazette on July 10, 1967 and/or any amendment thereof.
- g. "Sewage System or sewerage system" means pipelines or conduits, pumping station, force mains, constructed drainage ditches, and all other construction, services and appurtenances used for collecting or conducting sewage, and industrial waste or other wastes to a point of ultimate disposal or discharge.
- h. "Outlet" means the terminus of a sewage work or point of emergence into the water and/or atmospheric air or any sewage, industrial waste or other wastes.
- i. "Treatment works" means any method, construction, devices or appliances appurtenant thereto, installed for the purpose of treating, neutralizing, stabilizing, disinfecting or disposing of sewage, industrial waste or other wastes, or for the recovery of by product from such sewage industrial or other wastes.
- j. "Sewage works" means individually or collectively those constructions or devices used for collecting, pumping, treating and disposing of sewage, industrial waste or other wastes, or for the recovery of by products from such sewage industrial or other wastes.
- k. "Waste disposal" means the use of water for the disposal of sewage industrial waste or other wastes, either before or after treatment.

SECTION 4 - It shall be unlawful for any person to throw, run, drain, dump or otherwise dispose into canal, gutter, estero, creek, river or its tributaries, and/or the atmospheric air, within the Municipality of Oton, or cause, permit, suffer to be thrown, run, drained, dumped, allow the seep, or otherwise dispose into such canal, gutter, estero, creek, river or its tributaries, and/or the atmospheric air any refuse, garbage, sewage or other waste untreated or an untreated solid, liquid, or gaseous substance, that shall cause or contribute to the pollution of the water of the sea or river and its tributaries, or of the atmospheric air.

[Ordinance No. 06, s. 1991]

SECTION 5.- For purposes of the proceeding section, the rules and regulations of the National Pollution Control Commission as published in the Official Gazette on July 10, 1967 and/or any amendment thereof, as the regards the quality standards, classifications and usages of waters and the maximum allowance discharge of untreated wastes and/or effluent into the atmospheric air, river or its tributaries, creeks, canal and esteros shall be followed and be made applicable thereto.

SECTION 6 - No industrial establishment, firm or factory of any kind whatsoever shall be allowed to be established, erected, constructed, built, and/or operated within a radius of 1000 meters around any place within the territorial jurisdiction of the Municipality of Oton classified as a residential zone of the town or barrio; PROVIDED, however that any factory, industrial firm or establishment which, prior to the effectivity of this ordinance, has been allowed to be established or operated within the aforesaid radius in accordance with the existing ordinance, is hereby permitted to continue its operation provided that it shall comply with other pertinent provisions of this ordinance.

SECTION 7 - (a) Before the corresponding licenses and/or permits may be issued to new factories, industrial firms or establishments in accordance with the existing ordinance, the latter shall be required to submit for approval the pertinent plans and specifications of their pollution control structures or measures to the National Pollution Control Commission and a clearance certificate from said agency to the effect that the latter have made provisions for the construction or installation of total pollution control structures or measures for their factory site, plant and/or establishment, as the case maybe shall accompany the application for such license or permit subject to inspection and approval of the town official.

(b) Said factories, industrial firms or establishments shall actually install or construct the structures required in the preceding paragraph within a reasonable time but in no case longer than six (6) months from the date of issuance of the permit and/or license is issued first by the commission.

(c) Factories, industrial firms, and establishment which are already in existence and have secured to license and/or permits mentioned in the first paragraph of this section, are hereby required to provided or install and construct adequate waste treatment works for their industrial wastes and other waste within a reasonable time, permitting time for engineering, procurement, fabrication, installation, and adjustment, PROVIDED; that in no case it is longer than six (6) months from the date of effectivity of this ordinance, without any further extension.

(d) No permit or license shall be issued nor renewed for the establishment, construction and/or operation of any factory, industrial firm or establishment without first complying with the provisions of this section; and any permits or licenses so issued or renewed in violation hereof shall be null and void without prejudice to the criminal action that may be instituted against the person liable thereto.

SECTION 8 - It shall be the duty of the Municipal Mayor to investigate and/or inspect personally or thru an authorized representative if the factory, industrial firm or establishment mentioned in the preceding section has complied with the required construction and installation of adequate pollution control structures or measures or the adequate waste treatment works. If after inspection and investigation, it will be found that the requirements heretofore mentioned have not been complied with notwithstanding the expiration of the time given the municipal license and/or permit shall be revoked or suspended as the case maybe, by the Municipal Council to which the Municipal Mayor shall submit this findings of this authorized representative and his recommendation on the matter.

SECTION 9 - No person be allowed or permitted to perform any of the following activities within the territorial jurisdiction of the Municipality of Oton unless a written permit is first obtained from the National Pollution Commission and a permit from the Mayor for the discharge into the canal, gutter, estero, creek, river, sea or its tributaries or into the atmospheric air, of industrial wastes and other wastes which could cause or contribute to the pollution thereof.

(1) The construction, installation, modification or operation of any sewage work or any extension or addition thereof;

(2) The increase in volume or strength of any waste in excess of the permissive discharge specified under any existing permit;

(3) The construction, installation, or operation of any industrial or commercial establishment or any extension or modification thereof or addition thereto, the operation of which would cause an increase in the discharge of waste directly into the canal, gutter, estero, creek, river or its tributaries, or into the atmospheric air, or would otherwise alter the physical, chemical or biological of the waters or atmospheric air in any manner not already lawfully authorized;

(4) The construction or use of any new outlet for the discharge of any waste, gaseous or liquid, directly into the waters or atmospheric air.

The permit issued by the agency herein mentioned must be put in a conspicuous place herein the above activities are to be performed in such manner as to be clearly visible and accessible.

SECTION 10 - (a) Owners, proprietors, operators, and/or managers of a gasoline or oil service stations operating and have their place of business within the territory of the Municipality of Oton, are hereby required to provide for and install adequate oil-water separators for the treatment of industrial and other wastes which may be discharged into any canal, gutter, estero, creek, river or its tributaries.

(b) Such oil-water separator shall be made of strong oil and water resistant materials and shall be of sufficient size and **shape** as to be capable of containing and handling the full volume of wastes in said establishment or place of business without any spillage or leakage thereto.

(c) Any article, machine, equipment, device or contrivance intended as oil-water separator shall before its operation or installation, be registered first with the National Pollution Control Commission and written permit for its construction and/or operation shall first be obtained from said office. Such permit shall be firmly affixed upon the article, machine, equipment, device or contrivance, in such manner as to be clearly visible and accessible.

(d) Gasoline and oil service stations which are already existing and in operation prior to the effectivity of this ordinance are hereby given a period of ONE HUNDRED TWENTY (120) days within which to comply with the provisions hereof;

(e) No municipal permit and/or license shall be issued nor renewed in favor of any gasoline or service station unless the oil-water separator as required by this section has been installed or constructed; and permits or licenses so issued or renewed in violation hereof shall be considered null and void, without prejudice to criminal action that maybe instituted to the offending party.

SECTION 11 - In case of doubt in the implementation and enforcement of the provisions of Section eight, nine and ten of this ordinance, the Municipal Mayor shall consult the National Pollution Control Commission and secure the latter's advice and/or recommendation on the matter.

SECTION 12 - (a) No municipal license, permit or privilege shall be issued or granted to any person, corporation or entity for the establishment and construction of any subdivision and /or housing project within the municipality or any portion thereof unless the former has included a provision for the construction, installation or putting up a centralized sewerage system and sewage treatment plant for collecting, containing and treating of sewage and other effluents being disposed or emitted from each household, PROVIDED, that before finally issuing or granting such license, permit or privilege, the applicant shall be required to submit the plans and specifications of the sewage treatment plant for approval by the National Pollution Control Commission.

(b) The application for municipal license, permit or privilege shall not be entertained nor given due course unless accompanied by at least two (2) copies of the plans and specifications of the sewage treatment plant duly approved by the above-mentioned agency.

(c) The sewage system and treatment plant herein required shall be constructed and completed within one year from the issuance or grant of the license, permit or privilege, which period maybe extended by the Municipal Mayor upon request by the applicant; PROVIDED, that no further extension shall be granted longer than three (3) months therefrom.

(d) Subdivision and/or housing project already in existence at the time of the enactment of this ordinance are hereby required to comply with the requirement of this section within six (6) months from the date of effectivity thereof, permitting time for engineering, procurement, fabrication, installation, adjustment and final completion, but in no case shall the completion thereof be longer than six (6) months from the effectivity of this ordinance.

(e) The Municipal Mayor shall, personally or thru his authorized representative, periodically inspect the progress of the construction of sewage system and sewage treatment plant and should be found that the same has not been complied with or has not been completed notwithstanding the lapse of the time mentioned above or any extension thereto granted, he shall have the authority to cancel and/or revoke the license/permit or privilege so issued or granted.

SECTION 13 - The following penalties shall be imposed for violations of this ordinance:

(a) For violation of the provisions of Section Four of this ordinance, a daily fine of not less than ONE THOUSAND PESOS (P1000.00) or imprisonment of not more than six (6) months, or both such fine and imprisonment in the discretion of the court, shall be imposed and closure of the establishment if so warrant. Said fine shall be paid to the Municipal Treasurer's Office and will accrue to the General Fund;

(b) For performing or allowing to be performed any of the activities enumerated in Section Nine without the required permit from the National Pollution Control Commission and Mayor's Permit, a fine of not exceeding ONE THOUSAND PESOS (P1000.00) per day shall be imposed against the violator thereof;

(c) For failure to comply with and complete the works or structures required in Section Seven, sub-section (b) and (c); Section Ten, sub-section (d) and Section Twelve, sub-section (c) within the time limits set forth therein, a daily fine of not exceeding ONE THOUSAND PESOS (P1000.00) shall be imposed;

(d) For wilfully making, issuing, possessing or attempting to make, issue or use any forged, invalid, or counterfeit municipal license or permit for the purpose of evading the requirement of the ordinance, or false or fraudulently represent as valid and in force any license or permit which has been suspended, cancel or revoke pursuant to this ordinance, a fine of not less than ONE THOUSAND PESOS (P1000.00) or imprisonment of not more than six (6) months, or both in the discretion of the court, shall be imposed.

The owner/s, proprietors or operators of business establishment or service station and in case of corporation or company, the President and General Manager and in case of partnership, the managing partner, shall be responsible and liable for imprisonment for violation of this ordinance; likewise the President, General Manager, Managing Partner of the business establishment, corporation or partnership shall be solidarily liable for the payment of the daily penalty or fine.

SECTION 14 - In the even that any section, paragraph, sentence, clauses or word of this ordinance, or the application thereof, to any person is declared unconstitutional for a valid reason, the reminder of said ordinance and the application thereof to other persons shall not be affected thereby.

SECTION 15 - That this ordinance shall be without prejudice to the provision of the Civil Code of the Philippines on public and private nuisance.

SECTION 16 - All ordinances on pollution or parts thereof that are inconsistent with the provisions of this ordinance are hereby repealed.


SECTION 17 - This ordinance shall take effect within fifteen (15) days after its approval.

RESOLVED FURTHER that copy of this resolution/ordinance be furnished the Office of the Provincial Pollution Commission for their kind information, guidance and appropriate action.

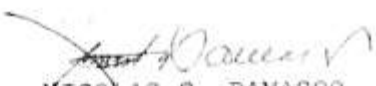
RESOLVED FINALLY that copies of this resolution/ordinance be furnished the Office of the Sangguniang Panlalawigan, Province of Iloilo for their information and appropriate action.

APPROVED.


I HEREBY CERTIFY to the correctness of the foregoing Ordinance.


FELIX L. FLORES
Presiding Officer

Attested:


NICOLAS C. DAMASCO
Municipal Secretary

Concurred:


JOSE MA. M. MASCULINO
Floor Leader

Approved:


FELIX L. FLORES
Mayor

/jco