



Lungsod ng Bacolod

CITY ORDINANCE NO. 356 January 15, 2004

AN ORDINANCE REGULATING NOISE POLLUTION IN THE CITY OF BACOLOD.

WHEREAS, one of the irritating disturbances to communal peace as areas come increasingly urbanize is noise pollution;

WHEREAS, there is actually a national law, PD 984 otherwise known as the Pollution Control Law, and its implementing Rules and Regulation of 1978, that establishes allowable noise levels, but which needs enforcement at the local level;

WHEREAS, City Ordinance No. 313, otherwise known as the ENVIRONMENT CODE of Bacolod City, in Art. 11, Chap. 3 thereof, actually calls for local legislation controlling or regulating noise production in Bacolod City;

WHEREFORE, let it be ordained by the Sangguniang Panlungsod of Bacolod,

TITLE:

AN ORDINANCE REGULATING NOISE POLLUTION IN THE CITY OF BACOLOD.

Article 1. Adoption by Reference. The salient provisions of PD 984, and its implementing Rules and Regulations of 1978, and the revisions, amendments, or updates thereto, if any, are hereby adopted into this ordinance by reference.

Article 2. Definition of some terms. Adopted from Chapter IV Article 7, Section 74 of the IRR of PD 984, the following terms are defined as follows:

a) "Level" means the total sound level of all noise as measure with a sound level meter using "A" weighting network. The unit of measurement is the Decibel "A"

"Weighting Network" means the total the frequency response of a sound level meter, the purpose of which is to provide a means of compensating for variation in the response of the human ear to frequency and intensity. The "A" network, for example, disregards the low frequency.

b) "Apparatus" means any mechanism which prevents, controls, detects, measures or records the production of sound.

c) "Decibel" is a measure of sound level and is equal to 10 times the logarithm of the square of a measured sound pressure level (SPL) divided by a reference sound pressure. The sound pressure is given in microbars, with the reference pressure taken as 0.0002 microbar which is generally the minimum the human ear can sense.



- d) "Noise" means an erratic, intermittent, or statistically random oscillation, or any unwanted sound.
- e) "Unnecessary noise" means any excessive or unusually loud sound, of any sound which either annoys, disturbs, injures, endangers the comfort, repose, health, peace or safety of a person, or which causes injury to plant or animal life, or damage to property or business.
- f) "Sound" means an oscillation in pressure, stress, particle displacement, particle velocity, etc., in a medium whose internal forces (e. g. elastic, viscous) of the superposition of such propagated oscillation which evokes an auditory sensation.
- g) "Sound Level Meter" means any instrument including a microphone, an amplifier, an output meter, and frequency weighing networks for the measurement of noise and sound level.
- h) "Sound Pressure Level" (SPL), in decibels means sound level that is 20 times the logarithm to the base 10, of the ratio of the pressure of the sound to the reference, 2×10^{-4} microbar.
- i) "Sound Reproduction Device" means any device intended primarily for the production or reproduction of sound including, but not limited to any musical instrument, radio receiver, television receiver, tape recorder, phonograph or sound amplifying system.

Article 3. Ambient noise standards. Pursuant to Sec. 78 of the IRR of PD 984, the following "Ambient Noise Quality Standards" are hereby adopted and reiterated, as follows:

a) Classification of General Areas:

For purposes of establishing ambient noise quality standards, areas within any city, region or center of urban living shall be classified by the Commission as follows:

Class AA - A section or contiguous area which requires quietness, such as areas within 100 meters from school sites, nursery, schools, hospitals, and special homes for the aged.

Class A - A section or contiguous area which is primarily used for residential purposes.

Class B - A section or contiguous area which is primarily a commercial area.

Class C - A section primarily reserved as a light industrial area.

Class D - A section which is primarily reserved as a heavy industrial area.

b) The maximum allowable noise levels in general areas shall be:



Category	Daytime	Morning & Evening	Night time
AA	50 db	45 db	40 db
A	55 db	50 db	45 db
B	65 db	60 db	55 db
C	70 db	65 db	60 db
D	75 db	70 db	65 db

1. The standards are applied to the arithmetic median of at least seven readings at the point of maximum noise level.

2. The division of the 24-hr period shall be as follows:

Morning	-----	5:00 A.M. to 9:00 A.M.
Daytime	-----	8:00 A.M. to 6:00 P.M.
Evening	-----	6:00 P.M. to 10:00 P.M.
Nighttime	-----	10:00 P.M. to 5:00 P.M.

Article 4. Special Provisions. Due to the frequency or usualness of the types of problems relative to noise pollution in the City of Bacolod, the following provisions are laid down, to wit:

a. On videoke, sing-along bars and restaurants or eateries providing live-band music:

a.1. Aside from complying strictly with the rules and regulations relative to the acquisition of the pertinent business permit and other licenses from the city, videoke, sing-along and other bars, if its music exceeds the allowable sound level limits, shall see to it that its establishment is equipped with sound-proofing devices, walls, or enclosures so that the surrounding community will not be affected by said music;

a.2. Restaurants with live-band music already existing upon the passage of this ordinance, aside from seeing to it that they have permit to operate as such in conformity with zoning rules, shall ensure that the sound coming from its establishment does not exceed the allowable sound level limits as set forth in Article 3 hereof; if it does, it has to bring it down to said allowable limits, or enclose its establishment with sound proofing devices, walls or enclosures;

a.3. Establishments applying for permit to operate business with live-band music upon the effectivity of this ordinance are hereby required to enclose their structures to ensure that no sound goes out of the establishment and does not disturb the neighborhood.

b. **Barangay and Purok fiestas, and community celebrations.** Purok fiestas and community celebrations requiring the use of public sound systems shall first secure the necessary permit from the City Mayor's Office, stating the particular purpose for the celebration and the specific period of time for said fiesta or celebration; an implied condition for the grant of the permit is the condition that the celebration must comply with the ambient noise standards as set forth in Article 3 hereof, and any violation thereof shall subject the activity of the sponsor thereof to sanctions as provided herein.

b.1. In barangay, purok, or community celebrations requiring the use of public sound systems, said public sound systems shall not be set up, installed or put up on trees or any unnecessary elevation so as to minimize the disturbance that the noise shall create in the neighborhood, especially in residential areas or other sensitive areas such as Class AA areas as defined herein;

Article 5. General Prohibition. It is prohibited in the City of Bacolod, for any person, whether natural or juridical, to create or produce noise beyond allowable level as provided for in Article 3 hereof.

Article 6. Particular Prohibited Acts Pursuant to Sec. 76 of the IRR of PD 984, the following are prohibited acts:

- a) **Operation of Sound Reproduction Devices.** - No person shall operate or use any device which may cause to be operated any sound reproduction device for any of the following purposes:
1. To attract attention to any performance, show, sale, display or merchandise in connection with any commercial or business enterprise including those charged in the sale of radios, television sets, phonographs, tape recorders, phonograph records or tapes, in front or outside of any business building, place or premises, abutting on or adjacent to a public street, park or place, or in or upon any vehicle operated, standing or being in or on any public street, park or place from any stand, platform or other structure, or from any airplane, or other device used for flying, or on boat, or the public streets, parks or places, except the incidental sound for which a permit has been issued.
 2. To make noise emanating from the sound reproduction device, while on a railroad or ferry or any other public conveyance, audible to another person.
 3. To create unnecessary noise except when the noise is a result of the operation or use of any claxon or air horn installed in a motor vehicle to signal imminent danger, or of any steam whistle attached to a stationary boiler to give notice of the time to start and stop work or to signal imminent danger.
- b) **Animal Noise.** - No person shall permit an animal or pet, including birds, under his control to cause unnecessary noise
- c) **Construction, Commercial and Industrial Activities.** - No person shall engage or permit any person to be engaged in construction, commercial and industrial activities where excessive noise is created, except when such activities are for the purpose of averting disasters or other emergencies, preventing danger to human life, safeguarding public safety or protecting national interest and similar incidents
- d) **Handling Containers and Construction Materials.** - No person shall handle, transport or cause to be handled or transported in any public place, any container or construction material in such a way as to create unnecessary noise

- e) Exhaust Noise. - No person shall cause or permit the discharge into open air of the exhaust of any steam engine, diesel engine, internal combustion engine, turbine engine or similar device so as to create in excess of 90 dB measured on acceleration at 10 meters distance.
- f) Noise Emission near Schools Hospitals Courts. - No person shall cause or permit the creation of any device on any street adjacent to any hospital, school, or court of justice.
- g) Violation of the special provisions in Article 4 hereof.

Article 7. Exceptions. Excepted from the foregoing provisions are noise of a temporary and occasional nature, and which by nature are not unlawful, such as but not limited to New Year's celebration, Masskara festival street dancing, drum and bugle, and other related activities, as well as noise generated by public assemblies such as rallies on public issues, election-related assemblies, rallies, and "ricoridas" provided that, such noise shall be avoided in Class AA areas as defined herein, in relation to Article 5 (f) hereof.

Article 8. Administrative Fines and Remedies.

Section 1. For purposes of this ordinance, the following administrative fines and remedies are imposed for violation of Article 4, 5, and 6 hereof:

- 1st offense - a fine of P500.00 if the offender is a natural person, or P1,000 if it is a juridical person;
- 2nd offense - a fine of P2,000.00 if the offender is a natural person, or P3,000 if a juridical person;
- 3rd offense - a fine of P3,000 if the offender is a natural person or P5,000 if a juridical person, plus closure of the establishment, or confiscation of the thing or object causing the noise beyond the allowable levels established herein.

Section 2. It is understood that the same are imposed simultaneously with the enforcement of compliance with the ambient noise standards as set forth in Article 3 hereof upon the offender or the offending establishment.

Article 9. Criminal penalties. If a person, natural or juridical, has violated this ordinance more than three times, he shall be criminally prosecuted and imposed the maximum penalty of 30 days to one year imprisonment, depending upon the frequency of violation upon discretion of the court, plus permanent closure of the establishment or confiscation of the object causing the noise.

Article 10. Election of prosecution. The complainant, which may include the City of Bacolod through the City Mayor, may elect to prosecute violation of noise pollution laws either under PD 984, in which case, the penalties imposed therein and the procedures it requires under the IRR, shall be followed, or under this ordinance. Prosecution under one law or ordinance bars prosecution under another, to avoid violating the prohibition against double jeopardy.



Article 11. Acquisition and safekeep of the SOUND LEVEL METER. The City of Bacolod shall acquire the necessary SOUND LEVEL METER, or any such other machine as may be acceptable by DENR standards for measurement of noise levels in order to implement this ordinance. The same shall be used by the Environment and Natural Resources Office in coordination with the Ordinance Enforcement Unit of the city, and which shall be kept and maintained according to the rules and regulations of the national government. The budget necessary for the acquisition of the machine required herein shall be provided for in the 2004 annual budget of the City of Bacolod.

Article 12. Separability Clause. Should any of this ordinance be declared by competent court as null and void, the remainder not so affected shall stand.

Article 13. Effectivity. This ordinance takes effect upon compliance with Art. 114 of the IRR of RA 7160.

CARRIED BY THE VOTE OF:

Affirmative:

Councilors:

Archie S. Baribar, Roberto M. Rojas, Jude Thaddeus A. Sayson, Ana Marie V. Palermo, Jose H. Gabuat, Lyndon P. Caña, Elmer T. Sy, Bobbie S. Lucasan, Greg G. Gasalaya, Reynold I. Iledan, Sonya M. Verdeflor, Marx Louie S. de la Rosa.

Negative:

None.

Official Leave:

Councilors Celia Matea R. Flor and Arturo V. Parreño

Absent:

None.

Author:


Councilor Lyndon P. Caña

Passed:


January 15, 2004 (130th Regular Session).

Comments:

Passed.


RAMIRO L. GARCIA, JR.
Vice Mayor
Presiding Officer
2/2/04

ATTESTED:


ATTY. NILO T. ALEJANDRINO
Secretary to the Sanggunian

APPROVED:

January 2004

**10 DAYS LAPSED
AS OF 2/13/04**

LUZVIMINDA S. VALDEZ
City Mayor