

CITY ORDINANCE NO. 406
May 25, 2006

AN ORDINANCE IMPOSING CONDITIONS REQUIRED FOR THE CONSTRUCTION OF OUTDOOR SIGNS AND BILLBOARD ADVERTISING SIGNS BY THE NATIONAL BUILDING CODE OF THE PHILIPPINES (P.D. 1096) WITHIN THE JURISDICTION OF BACOLOD CITY PRIOR TO THE ISSUANCE OF BUILDING PERMIT, PROVIDING PENALTIES AND FOR OTHER PURPOSE.

WHEREAS, Section 458 (3) IV of the Local Government Code of 1991 otherwise known as Republic Act 7160 states, "Regulate the display of and fix the license fees for signs, signboards or billboards at the place of places where the profession or business advertised thereby is in whole or in part, conducted";

WHEREAS, there is a need that an ordinance be enacted to provide standards in order to protect the life, health, safety, property, welfare, convenience and enjoyment of the general public by regulating the design, quality of materials, construction, erection, location, maintenance and safety of all outdoor advertising signboards and sign structures as well as ascertain that all billboards and commercial operators are properly licensed, insured and bonded;

WHEREAS, Rule XX of the Implementing Rules and Regulations of the National Building Code (P.D. 1096) on Signs shall be strictly complied with prior to the issuance of building permit by the City Building Official;

WHEREAS, the Outdoor Advertising Association of the Philippines (OAAP) Code of Ethics and Implementing Rules and Regulations of the National Building Code of the Philippines are hereby adopted and strictly complied prior to the issuance of the necessary building permit.

NOW THEREFORE, BE IT ORDAINED by the Sangguniang Panlungsod of the City of Bacolod in regular session assembled that:

TITLE

AN ORDINANCE IMPOSING CONDITIONS REQUIRED FOR THE CONSTRUCTION OF OUTDOOR SIGNS AND BILLBOARD ADVERTISING SIGNS BY THE NATIONAL BUILDING CODE OF THE PHILIPPINES (P.D. 1096) WITHIN THE JURISDICTION OF BACOLOD CITY PRIOR TO THE ISSUANCE OF BUILDING PERMIT, PROVIDING FOR OTHER PURPOSES.

It shall also be known for its short title as the "OUTDOOR SIGNS OR BILLBOARD ORDINANCE OF BACOLOD CITY".

Section 1. Definition of Terms. - The following definition of terms are hereby adopted from the National Building Code of the Philippines (P.D. 1096) and its Revised Edition of Implementing Rules and Regulations



- Advertising Sign - a sign that directs attention to a business, profession, commodity, service or entertainment conducted, sold or offered at a place other than where the business, profession, etc. is located. An Off-Premise Sign.
- Billboard - a panel for posting bills or posters.
- Business Sign - an accessory sign that directs attention to a profession, business, commodity, service or entertainment conducted, sold or offered in the same place where the businesses are located. An identification or Premise Sign.
- Building Height Limit (BHL)- the maximum height to be allowed for building structures based on their proposed use or occupancy, the BHL is generally determined after application of other Development Control (DC) and certain other parameters, i.e. consideration of the site, conditions, view, etc., the BHL shall be generally measured from the established grade line to the topmost portion of the proposed building/structure.
- Building Structure - a three dimensional physical development erected within a lot or property of any combination of or all of its three different levels (at grade, below grade, above grade). The term building/structure are used in the code shall invariably refer to both proposed and existing physical development with a lot.
- Building Line - the line formed by the intersection of the outer surface of the enclosing wall of the building and the surface of the ground.
- Display Sign - any material, device, or structure that is arranged, intended, designed or used as an advertisement, announcement, or directory that includes a sign, sign screen, billboard or advertising device of any kind.
- Ground Sign - a sign with its support resting on the ground and the base of which ranges from a simple pole (ply on) and does not exceed 10.00 square meters as one unit.
- Roof Sign - a sign installed on roof, roof decks, the horizontal least cross sectional area in case of supporting frame does not exceed 10.00 square meters for such framed structure resting entirely on the roof.
- Sign - any letter board, numerical, pictorial presentation, illustration, decoration, emblem, device, symbol or trademark, or any other figure of similar character that is attached to painted on or in any banner represented on a building structure, used to announce direct attention to or advertise and visible to the public.
- Sign Structure- any means to support the installation of signs and this includes the structural frame, anchorage, and fasteners to support and suspend such sign. A building where roof sign is installed entirely on its roof is not part of the sign structure.
- Wall Sign - A sign printed on, attached or fastened to the structure of the wall or any part of a building or structure. The display surface of which is parallel to the wall surface.
- Building Permit - a written authorization granted by the Building Official to an applicant allowing him/her to proceed with the construction of a specific project after plans, specifications and other pertinent documents have



been found to be in conformity with the National Building Code (P.D. 1096) and its Implementing Rules and Regulations.

Section 2 - General Provisions

- 2.1 Signs shall adhere to the Code of Ethics of the Outdoor Advertising Association of the Philippines (OAAP).
- 2.2 Non-intrusive signs shall be located within the periphery of not less than One Hundred (100) meters of historical monuments, natural scenic areas and parks.
- 2.3 Sign structures shall follow the standard of design construction and maintenance in the interest of public safety, convenience, and good viewing and promote proper urban design.
- 2.4 No sign or signboard shall be erected in such a manner as to confuse or obstruct the view or interpretation of any official traffic sign, signal or device.
- 2.5 Signs and sign structure for advertising may be constructed only in areas where the local zoning regulations of the city permit them and in accordance with the accepted standards of design, construction and maintenance.
- 2.6 Plans and sign structures exceeding Three (3) meters in height from the ground shall be signed and sealed by a duly registered Architect or Civil Engineer.
- 2.7 Sign and sign structures built within highly restrictive fire zones shall be incombustible materials.
- 2.8 Signs which are written in any foreign language shall have a corresponding translation in English or in the local dialect.
- 2.9 No signboard or billboard shall be erected without securing signboard permit from the Office of the Building Official.
- 2.10 Signs shall be constructed in accordance to the approved plans submitted to the Office of the Building Official and that upon construction such shall be duly supervised by a Licensed Civil Engineer.
- 2.11 All signboards to be constructed on top of a building shall first secure a certification from a registered Civil Engineer stating that the structure can safely carry and withstand the additional load imposed by the proposed signboard and that he/she is fully aware of Article 1723 of the Civil Code of the Philippines.
- 2.12 All signboard structures shall be painted by Zincchromate/Red Lead paint before any application of base paint or final coating.

Section 3 - Support and Anchorage

General : The supports and anchorage of all sign structures shall be placed in or upon private property and shall be constructed in conformity with the requirements of the National Building Code (P.D. 1096)

3.1 Sign structures may be constructed only in areas where zoning regulations permit them and in accordance with the accepted standards of design, construction, and maintenance.

3.2 Roof Signs

3.2.1 The design and construction of roof signs shall conform to the provisions of Section 1210 of the Code.

3.2.2 No signs shall be erected attached to, installed or fastened on rooftops of buildings of wooden structure or of buildings/structures with wooden roof framing.

3.2.3 Adequate provisions for grounding metallic parts of roof signs exposed to lightning shall be provided.

3.2.4 Installation of warning lights/obstruction lights for any traffic shall be installed where applicable.

3.3 Ground Signs

3.3.1 Ground signs and advertising ground signs which shall be constructed in conformity with accepted engineering standards of which height control shall be in conformity with the local zoning regulation.

3.3.2 General sign structures shall be located within the property of line and under no circumstances shall occupy the RROW/Street or Sidewalk/Arcade or other similar access ways.

3.3.3 Public or government signs erected or installed within the area of the sidewalk shall be so designed and located that they do not obstruct the easy passage of pedestrians nor distract the attention of motorists.

Section 4 - Projecting Signs

4.1 On Non-arcaded RROW/Streets, signs shall not extend more than 1.20 meters over the sidewalk and measured horizontally from the wall line or building line.

On Arcaded RROW/Streets, the signs shall not project more than 0.60 meter from the outermost portion of the wall line of the allowed structure over the arcade.

For buildings abutting on RROW/Streets or alleys without sidewalks, a provision therefore, the signs shall not project more than 0.30 meter from the outermost portion of the building/structure.

4.2 A height clearance of not less than 3.0 meters measured from the finished road surface shall be provided below the last part of such signs projecting over sidewalks on buildings without arcades and a clearance of not less than 5.0 meters shall be provided below the lowest part of such signs projecting over Arcade RROW/Streets.

4.3 The erection of electric neon signboards or other advertisements of similar nature projecting over roadways or public streets shall be allowed, provided that:

- 4.3.1 Clearance distance between the signboards erected on one building is not less than 4.0 meters.
- 4.3.2 Signboards on multi-storey buildings shall be erected on the same vertical line and shall not overlap each other.
- 4.3.3 Tops of signboards shall not extend over the topmost part of the parapet or the bottom line of the cave of the building.
- 4.3.4 Horizontal projections of signboards shall follow subsections (i) and (ii) of the Rule.
- 4.3.5 In case of two (2) adjacent buildings, adjacent signboards shall be placed at a distance of not less than 2.0 meters from the common boundary line.
- 4.3.6 Signs shall not obstruct any window or emergency exits and shall not be closer than 1.0 meter from electric and telephone posts or wires.

Section 5 - Walls Signs

- 5.1 Outdoor display signs placed against the front exterior surface of buildings shall not extend more than 300 millimeters from the wall with its lowest portion not less than 3.0 meters above the sidewalk.
- 5.2 Commercial signs shall not be attached to, painted on, installed or displayed on posts/columns, beams or any other exterior portion of arcades and structures for public utilities/services
- 5.3 Display windows or walls signs within 3.0 meters above the sidewalk shall be flushed or recessed

Section 6 - Clearances

- 6.1 Clearance from the Air Transportation Office (ATO) is needed for those signboards erected above or over the heights allowed by P.D. 1096 and its Rules and Regulations
- 6.2 Written authority from the building owner, in cases where the signboard is erected on top of the said building.
- 6.3 Zoning clearance from the City Planning and Development Office (CPDO)

Section 7 - Permit Application

The application for commercial/billboard signs permit shall contain all information, drawings, and specifications necessary to fully advise the Building Official as to the type, size, shape, location, zone, construction and materials of the proposed sign and building structure or premises upon which it is to be placed.

The billboard operator shall in addition to the above furnish the following information at the time of permit application:

1. The location of the proposed sign in relation to the property line and any building fence or other structure on the property.
2. The building setback lines and the location of any easements on the property.
3. The distance to the nearest billboard.
4. An affidavit from the property owner authorizing erection of the sign or an executed lease agreement.
5. The Street address of the sign.
6. An engineer or architectural design computation and certification.

Section 8 - Sign Fees

- 8.1 Erection and anchorage of display
 Surface, up to 4.00 sq. meters of signboard area P 120.00
 (a) Every sq. meter or fraction thereof in excess
 of 4.00 sq. meters 24.00

- 8.2 Installation Fees, per sq. meter or fraction thereof of display surface.

<u>Type of Sign Display</u>	<u>Business Signs</u>	<u>Advertising Signs</u>
Neon	P 36.00	P 52.00
Illuminated	24.00	36.00
Others	15.00	24.00
Painted-on	9.60	18.00

- 8.3 Annual Renewal Fees, per sq. meter of display surface or Fraction thereof.

<u>Type of Sign Display</u>	<u>Business Signs</u>	<u>Advertising Signs</u>
Neon	P 36.00, min. fee shall be P124.00	P 46.00, min. fee shall be P 200.00
Illuminated	P 18.00, min. fee shall be P 72.00	P 38.00, min. fee shall be P150.00
Other	P 12.00, min. fee shall be P 40.00	P 20.00, min. fee shall be P110.00
Painted-on	P 8.00, min. fee shall be P 30.00	P 12.00, min. fee shall be P100.00

Section 9 - Prohibited Signs

The following signs shall be prohibited within the National and Local roads:

1. Sanitary products, birth control devices or birth control medicines, underwear and other sensitive products.
2. Dazzling signs / Neon signs
3. Exhibit of graphic display or sexuality/nudity that is offensive to public morals.
4. Other signs that will pose danger/nuisance to the motorists or may cause inconvenience to the general public.

Section 10 - Maintenance

All signs, together with all of their support, braces, guys, and anchors shall be kept in repair and in proper state of preservation of the owner/lessee. The display of all signs shall be kept neatly painted and secured at all times. Should a sign become on the opinion of the Building Official, unsafe, or an eyesore, the permittee shall upon notice from the Building Official, immediately restore the sign to a safe and satisfactory condition.

Section 11 - Existing Signs

- 11.1 Existing signs non-conforming to the provisions of the Implementing Rules and Regulations of the National Building Code shall be altered to conform to pertinent provisions applicable thereto. Owners/promoters of non-conforming signs or those without certificate of use shall within Sixty (60) days from receipt of notice, secure clearance from the Building Permit Official and/or LGU permit as the case may be prior to issuance of Certificate of Use.
- 11.2 Markers of national sites and tourist destinations including directional signs shall not be combined with advertisement signs even if these signs are sponsored by private businesses. Sponsors may put their advertisement in the periphery of the historical sites upon acceptance and permission of the sites administrator and upon signing of a Memorandum of Understanding or Agreement (MOU/MOA) by the City of Bacolod.
- 11.3 Outdoors signs whether by members of the Outdoor Association of the Philippines (OAAP) or not within the City of Bacolod shall adhere to the Code of Ethics for Advertising.
- 11.4 Time and Period of Installation – the time and period of installation/display shall be determined and be strictly observed and complied with.
- 11.5 The following must be indicated at the bottom right corner of the advertising sign written in bold letters not less than one (1) cm high readable at ground level.
 - 11.5.1 Name of advertiser or agent of the advertiser
 - 11.5.2 Inclusive dates of permit/clearance
 - 11.5.3 Date of installation/display
 - 11.5.4 Who granted the permit/clearance and what office
 - 11.5.5 Address and telephone number of the advertiser/contact person

Section 12 - Removal of Unsafe, Unlawful or Abandoned Signs

The City government under this Ordinance is hereby authorized to issue a notice of removal the sign or signs to the owner, person, or firm maintaining the sign when it becomes:

12.1 Unsafe or Unlawful Signboards

- 12.1.1 Becomes unsafe, is in danger of falling, or it becomes to deteriorated that it no longer serves as useful purpose of communication.

12.1.2 Is determined by the City Building Official to be a nuisance.

12.1.3 Is unlawfully erected in violation of any of the provisions of this Ordinance.

The City Government may remove or cause to be removed the said sign at the expense of the owner, lessee in the event the owner or the person or firm maintaining the said sign has not complied with the terms of the said notice within Fifteen (15) days from the date of the notice.

2.2.1 Abandoned Signboards

12.2.1 Abandoned signs as defined by this Ordinance shall be removed by the landowner or person controlling the property within fifteen (15) days from abandonment.

12.2.2 The City Government may remove or cause to be removed the said sign at the expense of the owner or lessee in the event the owner or the person or firm maintaining the said sign has not complied with the terms of the said notice within thirty (30) days from the notice.

Section 13- Clearance

Whenever necessary written clearance shall be obtained from the various authority exercising and enforcing regulatory functions affecting building structures. Application for said clearances shall be requested by the owner / applicant and failure to receive reply within seven (7) days from receipt of the application for building permit shall be sufficient not to cause further delay in processing the building permit application by the Building Official.

Section 14 - Administrative Fines

The following fines shall be imposed on any person, corporation or partnership found violating any provision of this ordinance

14.1 First Offense - The fine shall be computed at PhP 100.00 per square foot of surface space of the advertisement. Posters with less than a square foot shall be charged a minimum of PhP 100.00.

A surcharge of twenty five percent (25%) of the penalty shall be added for failure to pay the fine within seven (7) days upon receipt of notice thereof.

14.2 Second and Final Offense - For the second and final offense, the violator will be meted out a fine in the amount of Five Thousand Pesos (PhP 5,000.00)

Section 15- Disposition of Fines

Payment of penalties and fees from the preceding provisions shall be remitted directly to the office of the City Treasurer.



Section 16- Separability Clause

Any portion or provision of this ordinance that may be declared unconstitutional or invalid shall not have the effect of nullifying other provisions hereof.

Section 17- Suppletory Clause

This ordinance shall not be construed as an amendment to existing laws, rules and regulations, but shall be supplemented thereto.

Section 18 - This ordinance shall take effect Fifteen (15) days after its publication in a newspaper of local circulation.

CARRIED BY THE VOTE OF:

Affirmative:

Councilors: Greg G. Gasataya, Ana Marie V. Palermo, Lyndon P. Caña, Jocelle Batapa-Sigue, Homer Q. Bais, Dindo C. Ramos, Jude Thaddeus A. Sayson, Napoleon A. Cordova, Elmer T. Sy, Al Victor A. Espino, Catalino T. Alisbo, Reynold I. Iledan, Arturo V. Parreño.

Negative : None

Author : Councilor Catalino T. Alisbo.


Absent : None.

Passed : May 25, 2006 (199th Regular Session)

Comments: Passed
Councilor Marx Louie S. de la Rosa was not yet around when this ordinance was passed


RENEQUITO S. NOVERO
Vice Mayor
Presiding Officer

ATTESTED:


ATTY. NILO T. ALEJANDRINO
Secretary to the Sanggunian

APPROVED: June, 2006

EVELIO R. LEONARDIA
City Mayor

NTA/HPL/0:ngl

**10 DAYS LAPSED
AS OF 6/24/2006**