



REPUBLIKA NG PILIPINAS
TANGGAPAN NG SANGGUNIANG PANLUNGSOD
Lungsod ng Bacolod

CITY ORDINANCE NO. 90
June 8, 1993

AN ORDINANCE PREVENTING, CONTROLLING, ABATING AND REGULATING AIR POLLUTION FROM MOTOR VEHICLES FLYING THE CITY STREETS AND PRESCRIBING PENALTIES FOR VIOLATION THEREOF.

WHEREAS, the increasing number of motor vehicles is fast becoming a major source of air pollution in the City of Bacolod;

WHEREAS, the emission of carbon monoxide, sulfur dioxide and other associated pollutants such as lead and mercury pose mounting danger to public health such as breathing difficulties, irritation of the throat and eyes and promotes the development of a wide range of respiratory problems like asthma, emphysema and bronchitis;

WHEREAS, such air pollution poses mounting damages to public health and welfare, damage to and deterioration of property, the hazards to land transportation; and

WHEREAS, it is necessary to take immediate action and institute appropriate measures to regulate the emission of air pollutants from motor vehicles.

Be it ordained by the Sangguniang Panlungsod in session assembled, that:

Section 1 - PURPOSE. It is the purpose of this Ordinance to prevent, control, abate and regulate the emission of air pollutants from motor vehicles and to impose appropriate penalties for violations of said Ordinance to protect the health and welfare of the people and to prevent or minimize damage to property and hazards to land transportation.

Section 2 - DEFINITION OF TERMS. When used in this Ordinance, the following terms shall have meanings, respectively assigned to them:

- (a) Motor vehicles - any vehicles propelled by a gasoline or diesel engine or by any means other than human or animal power, constructed and operated principally for the conveyance or purpose of transporting of property or goods on public highway or street opened to public use.
- (b) Air pollutant - any harmful or undesirable matter emitted in the atmosphere, including smoke, soot, solid particles of any kind, undesirable gases, fumes and obnoxious odors.
- (c) Pollution Control Device - any device or apparatus used to prevent, control or abate the pollution of air caused by emissions from motor vehicles at levels within the air pollution control standards established by this Ordinance.
- (d) Owner or operator - any person who owns, leases, controls or operates a motor vehicles.
- (e) Driver - refers to a person who operates or drives the wheel of a public utility vehicle for compensation.

Section 3 - PROHIBITION.

(a) It shall be unlawful for any owner or operator of a motor vehicle to allow it to discharge air pollutants at levels greater than the acceptable pollutant concentration standards prescribed by the City Environment and Natural Resources Office (CENRO) (PD 984 and qualities of carbon particles which appear as smoke when fuels injected into the combustion chamber is not completely burned.) and standards adopted in this Ordinance.

(b) The owner or operator of a motor vehicle shall not use his vehicle or cause to allow it to be used unless such motor vehicle meets the established emission standards.

Section 4. POLLUTION CONTROL DEVICE: The owner or operator of a motor vehicle that does not meet the established emission standards shall be required to install in his/her motor vehicle whatever type or model any appropriate pollution control device or devices of his/her own choice which meet the specification set forth by the CENRO and the National Pollution Control Commission as provided for in PD 1181.

Section 5: PENALTIES. - Penalties on the violation of this Ordinance shall be imposed on the following manner:

5.1 Any owner or operator of a motor vehicle violating this City Ordinance and/or its implementing rules and regulations shall be fined according to the enumeration graduated scale:

AMOUNT OF FINE

<u>Smoke Reading</u>	<u>1st Offense</u>	<u>2nd Offense</u>	<u>3rd Offense</u>
68 to 80% HSU	P150.00	P300.00	P600.00
81 to 90% HSU	200.00	400.00	800.00
91 to 100% HSU	300.00	500.00	1,000.00

In the event that the owner/operator fails to pay the stated fines herein enumerated within the period of three days, a minimum of 3 days to a maximum of 5 days imprisonment shall be imposed inclusive of fine appropriate to the specific of the apprehension.

In case of fourth offense and succeeding offenses, a fine of ONE THOUSAND PESOS (P1,000.00) shall be imposed and shall be reported to LTO-Bacolod Office for possible suspension of his vehicle's certificate of registration until such time as he shall have complied with the requirements of this City Ordinance or imprisonment for not more than five (5) days or by both such fine and imprisonment in the discretion of the Court.

5.2 The driver of the apprehended motor vehicle shall share in the burden by paying 10% of the imposed fines as enumerated in this ordinance together with the owner/operator of the motor vehicle;

5.3 Upon apprehension by any authorized person/s, City Stickers of public utility vehicles shall be confiscated and can only be redeemed by paying the corresponding fines of both the owner and driver after presentation of a Certificate of Emission Test (CET) received from the DENR office within three days. However, failure to comply with these

requirements within the stipulated period of 3 days, the apprehending officer shall submit all relevant documents to the LTO for appropriate action.

In the apprehensions of private and government vehicles and those coming in from outside Bacolod City, the driver's license shall be confiscated and can be redeemed within 3 days upon payment of the imposed fines after presentation of a Certificate of Emission Test given by DENR.

5.4 In the case of apprehended private and government vehicles, the owner/operator shall receive a notice from the PNP-Bacolod (Traffic Division) stating the nature of the apprehension, the procedure to redeem the confiscated license and the corresponding penalty in case of failure to comply with the minimum requirement of the City Ordinance within 3 days after the apprehension.

5.5 In the application of yearly business permit, public motor vehicle operators shall include in the documents submitted and as required by the Traffic Division of the City of Bacolod an Emission Test Certificate from the local DENR Office.

Section 6 - INFORMATION. - The Public Information Office under the City Mayor shall see to it that an extensive information campaign on this ordinance shall be conducted; provide sign boards in conspicuous places in the City and from time to time conduct an information seminar to drivers.

Section 7 - EFFECTIVITY - This ordinance shall take effect thirty (30) days after approval.

CARRIED BY THE VOTE OF:

Affirmative:

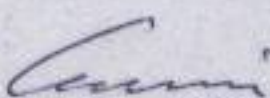
Councilors: Renecito S. Novero, Wilmar L. Drilon, Rolando V. Villamor, Lorendo K. Dilag, Juanito S. Amihan, Jr., Joaquin L. Torre, Napoleon A. Cordova, Constancio G. Legaspi, Luzviminda S. Valdez, Inocencio V. Ferrer, Jr., Alfredo G. Jalbuena, Jr., Jovito H. Sayson, Mario V. Salazar, Jr.

Negative : None.

Absent : Councilor Arturo V. Parreño.

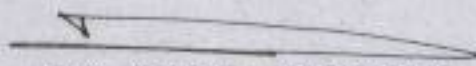
Passed : June 8, 1993.

Comments : Passed.



EVELIO R. LEONARDIA
Vice Mayor
Presiding Officer

CO 90 593

ATTESTED:


ATTY. NILO T. ALEJANDRINO
Secretary to the Sanggunian

APPROVED: June 11, 1993.


ALFREDO L. MONTELIBANO, JR.
City Mayor