

**REPUBLIKA NG PILIPINAS
TANGGAPAN NG SANGGUNIANG PANLUNGSOD
LUNGSOD NG BAKOLOD**

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CITY ORDINANCE NO. 1045

August 2, 2023

AN ORDINANCE REGULATING THE CONSTRUCTION, INSTALLATION AND MAINTAINANCE OF ELECTRIC AND/OR TELECOMMUNICATION, CABLE TELEVISION POLES/POSTS, AND TOWERS, OWNED BY PUBLIC UTILITY COMPANIES WHICH ARE ERECTED ON GOVERNMENT AND/OR PRIVATE LOTS ALONG GOVERNMENT STREETS, ROADS, HIGHWAYS AND/OR ALLEYS, AND IMPOSING A MAYOR'S PERMIT FEE THEREON, AND FOR OTHER PURPOSES.

WHEREAS, electric and/or telecommunication, and cable television poles, posts, towers, are sprouting everywhere in the City;

WHEREAS, such poles or posts pose hazard to traffic and safety of the public if they are not well regulated, maintained, and even as nuisance to the panorama or skyline of the City;

WHEREAS, it is for this reason that the City Government imposes regulations thereon;

WHEREAS, the City Government under the Local Government Code is vested with authority to impose regulatory fees and charges for activities and undertakings being done in the City;

NOW THEREFORE, BE IT ORDAINED AS IT IS HEREBY ORDAINED by the Sangguniang Panlungsod of Bacolod City that:

Section 1. SCOPE. The provisions of this ordinance shall cover the construction, installation and maintenance of electric and/or telecommunication, cable television, poles, posts, towers, within the territorial jurisdiction of Bacolod City.

Section 2. The provision of Section 1 hereof shall not apply to poles, posts or towers erected or owned by the national government, its instrumentalities and the local government unit.

Section 3. There shall be imposed a Mayor's Permit Fee on electric and/or telecommunication, cable television poles/posts/towers owned by public utility companies which are erected on government and/or private lots along government streets, roads, highways and/or alleys at the rate of One Thousand Pesos (P1,000.00) per post per year.

Section 4. For this purpose, the Office of the Building Official in coordination with the City Engineer's Office shall:

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- 4.1 Initiate, establish, develop or adopt and impose regulatory standards and regulations, based on approved national government standards and regulations on the construction, installation and maintenance of electric and/or telecommunication poles, towers, television and telephone poles such as those imposed under the National Building Code, Republic Act No. 11361, otherwise known as an "Act ensuring the Continuous and Uninterrupted Transmission and Distribution of Electricity and the Protection of the Integrity and Reliability of Powerlines and Providing for Penalties for Violations Thereof."; Energy Regulatory Board (ERB) Circular No. 95-21 - Standard Rules and Regulations Governing the Operation of Electrical Power Services; National Electrification Administration (NEA) Memorandum to EC No. 2018-055 - Standard Joint Pole Agreement and Pole Rental Rate; and other applicable rules and regulations now existing or may herein after be promulgated.
- 4.2 Conduct a regular inventory, evaluation and monitoring of all electric, telecommunication, cable television poles, posts and towers in the City, indicating the respective owners thereof and status of compliance with rules and regulations, and submit the same to the City Assessor and Treasurer for purposes of imposing the fee under this Ordinance.

Section 5. The pertinent provisions of Ordinance No. 565 Series of 2011, as Amended, otherwise known as the Revised Revenue Code of Bacolod City, covering the imposition of appropriate administrative provisions in the issuance of Mayor's Permit, specifically but not limited to Sections 65, 66, 67, 68, 72 and 74 under Article 20 thereof, shall apply in the imposition of the fee under this Ordinance.

Section 6. PENAL PROVISIONS. The Manager, Administrator or Head of Office of Utility Companies, distributors of emergency power, owners/proprietor of buildings and their contractors who shall be found violating the provisions of this ordinance shall suffer the fines and penalties as follows:

- First Offense** - Two Thousand Pesos (₱ 2,000.00)
- Second Offense** - Three Thousand Pesos (₱ 3,000.00)
- Third Offense** - Four Thousand Pesos (₱ 4,000.00)
- Fourth Offense** - a fine of Five Thousand Pesos (₱5,000.00), or imprisonment of not more than one (1) month nor more than six (6) months, or both such fine and penalty upon the discretion of the Court.

Section 7. SEPARABILITY CLAUSE. If any provision or portion of this ordinance is found to be a violation of the Constitution and declared invalid, the provisions or portion hereof which are not so declared shall remain to be in full force and effect.

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Section 8. REPEALING CLAUSE. All ordinances, rules and regulations, or parts thereof, in conflict with, or inconsistent with any of the provisions of this Ordinance are repealed or modified accordingly.

Section 9. EFFECTIVITY. This Ordinance shall take effect fifteen (15) days after its publication in a newspaper of general circulation in Bacolod City.

CARRIED BY THE VOTE OF:

Affirmative:

Councilors : Jude Thaddeus A. Sayson, Cindy T. Rojas, Al Victor A. Espino, Vladimir S. Gonzalez, Renecito S. Novero, Jason Isidro S. Villarosa, Simplicia Z. Distrito, Celia Matea R. Flor, Psyche Marie E. Sy, Ayesha Joy Y. Villaflor.

Negative : None.

Official Leave : Councilor Lady Gles Gonzales-Pallen.

Absent : None.


Author : Councilor Vladimir S. Gonzalez.

Co-Author : Councilor Renecito S. Novero.


Passed : August 2, 2023 (57th Regular Session of the 11th Council).

Comments : Passed.

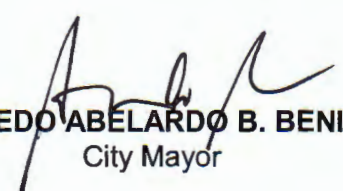
Councilors Israel P. Salanga, Em L. Ang and Claudio Jesus Raymundo A. Puentevella were not yet around when this ordinance was passed.


EL CID M. FAMILIARAN
Vice Mayor
Presiding Officer

ATTESTED:


ATTY. VICENTE C. PETIERRE III
Secretary to the Sanggunian

APPROVED: August 14, 2023.


ALFREDO ABELARDO B. BENITEZ
City Mayor

VCP/CGT/jbz

SERVICES SECTION
DATE: 8/14/2023 TIME: 11:55 AM
BY: 