



Republic of the Philippines
Province of Ilocos Norte
MUNICIPALITY OF SAN NICOLAS

OFFICE OF THE SANGGUNIANG BAYAN

EXCERPTS FROM THE MINUTES OF THE SPECIAL SESSION OF THE 11TH
SANGGUNIANG BAYAN OF THE MUNICIPALITY OF SAN NICOLAS, ILOCOS NORTE HELD
AT THE MUNICIPAL SESSION HALL ON THE 20TH DAY OF JANUARY, 2021
AT 2:00 O’CLOCK IN THE AFTERNOON.

PRESENT:

Hon. Edistio P. Valdez	Vice-Mayor/Presiding Officer;
Hon. Angel Miguel L. Hernando	Member;
Hon. Moera Joy N. Galing-Luna	Member;
Hon. Joseph Lister B. Butay	Member;
Hon. Norberto D. Dadiz, Sr.	Member;
Hon. Erico R. Ruiz, Jr.	Member;
Hon. Luciano R. Caraang	Member;
Hon. Jessie Julito P. Pumaras, Sr.	Member;
Hon. Juanito P. Ulep, Jr.	Member/Liga ng mga Barangay President.

ABSENT:

Hon. Inno Ma. Angelo Paulo O. Hernando Member/PPSK President.

“MUNICIPAL ORDINANCE NO. 2021-04

AN ORDINANCE REGULATING THE USE OF ROADS, STREETS, SIDEWALKS, ALLEYS AND BRIDGES AND THE USE AND DISPLAY OF BUSINESS SIGNAGES ALONG THE ROADS AND HIGHWAYS IN THE MUNICIPALITY OF SAN NICOLAS, PROVINCE OF ILOCOS NORTE.

WHEREAS, it is a declared policy of the State to safeguard life, health, property and public welfare, consistent with the principles of public safety and environment management and control; and to this end, make it purpose of this Ordinance to regulate the use and maintenance of sidewalks and setbacks and to clear the same of illegal commercial and private structures, in order to facilitate the safe and convenient use thereof, pursuant to Book I, Chapter 2, Section 16 and Chapter 3, Article I, Section 455, paragraphs (b) (3) (VI) of the Local Government Code;

WHEREAS, the Department of the Interior and Local Government (DILG) has issued MC No. 2020-145 in relation to MC No. 2020-027 to effect the clearing of roads from obstructions consistent with the above stated policy and other related laws;

WHEREAS, there exists illegal infrastructures along the public roads in the municipality including illegally parked vehicles, illegal vendors and signage in front of business establishment considered as part of public roads and which are blocking the pathways for pedestrians and impedes the smooth flow of traffic;

WHEREAS, to address this pressing problem, and accessibility of road, streets, sidewalks, alleys and other similar pathways, the passage of an ordinance is imperative to ensure an obstruction free and safe community;

NOW THEREFORE, be it enacted by the Sangguniang Bayan of San Nicolas in Session assembled that:

SECTION 1. Short Title. This Ordinance shall be known as the Road Use Regulation Ordinance of the Municipality of San Nicolas, Ilocos Norte.

SECTION 2. Purposes. This Ordinance has the following purposes:

- a. To make all public roads and sidewalks safe and convenient for the use of pedestrians;
- b. To improve the flow of traffic; and
- c. To get rid of illegal vendors on streets.

SECTION 3. Definition of Terms. For purposes of this Ordinance, the following terms shall have the corresponding meaning:

- a. Illegally Parked vehicle– shall mean that a motor vehicle has been brought to a stop on the road, the shoulder or proper edge of a public road, and remains inactive in that place or close thereto for an appreciable period of time.
- b. Obstruction - any structure, whether permanent or temporary, immovable or movable, erected along, standing on, adjoining, or in any manner impeding safe and convenient passage through any public road or sidewalk, the conduct of business by sidewalk vendors, and any belonging or thing found therein. Provided, that the property of the government, including official road signs and structures erected and installed, for the purpose of regulating the flow of traffic, shall not be considered as such.
- c. Public Roads - all streets, sidewalks, bridges, highways, alleys and other thoroughfares constructed and maintained by the national government or by any local government unit; provided, that any road or sidewalk not falling under this definition vital to pedestrian access or safety, shall be deemed a public road sidewalk for the purposes of this Ordinance.
- d. Road clearing – refers to the set of interventions by the municipality intended to cause the physical removal of road and sidewalk obstructions.
- e. Sidewalk Vendor - any person who sells or offers for sale any consumer products, whether agricultural or manufactured, cooked foods and/or dry goods, items or articles, including any person who attends to these products intended to be sold at any sidewalk, alley.

SECTION 4. Regulated Acts: All public roads within the territorial jurisdiction of the Municipality of San Nicolas shall be freed from obstruction, thus the use of streets, sidewalks, avenues, alleys, bridges, parks and other public places in the municipality for commercial and personal purposes shall be prohibited unless otherwise authorized by the Sanggunian. Such prohibited acts include but not limited to the following:

- a) Use of sidewalks and portion of streets for vehicle garage or for the conduct of vehicle repair/cleaning business
- b) Selling of goods by sidewalk vendors or offering for sale of foods, beverages, magazines, newspaper, cigarettes, jewelry, shoes and other footwear and other analogous items;
- c) Use of sidewalks, portion of streets, for storage of construction materials, equipment, sand and gravels and the like.
- d) Installation of sign or signboards on or above sidewalks and detached from the business establishment;
- e) Putting of tarpaulin, posters and business signages on trees along the streets;
- f) Storing of household appliances and furniture, as well as junks and recyclable materials along sidewalks;
- g) House extension or store extension, including installation of roofs and canopies, awnings and the like along sidewalks;
- h) Installation of permanent fence or gate along sidewalks;
- i) Use of sidewalk in constructing pens or cages of animals or animals on leash;
- j) Dumping garbage and litter along sidewalks and portion of streets;
- k) Plant boxes on top of Drainage canals, and

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l) Parking of vehicles on sidewalks/roads, streets, and alleys identified in this ordinance as busy areas and where traffic is congested often in the locality, shall be given priority attention in the implementation of this road clearing ordinance; The list of busy areas/roads are as follows:

1. Bumanglag Avenue at Bgrys. 1, 2, and 4
2. Hernando Avenue at Brgys. 2, 3, 4, 5, 6 and 7.
3. Vergara St. at Brgy 7,
4. Mamuad St. at Brgy 8'
5. O. Guieb St. at Brgys. 5, 8 and 4,
6. Aglipay Avenue at Brgys. 3, 5 and 8,
7. Nalupta St. at Brgy. 10,
8. Doña Trinidad Nalupta Avenue at Brgy. 11
9. The Street west of the Public Market
10. F. Madamba St. at Brgys. 11, 10, 9, 8, 12, 13 1nd 14.
11. Mabini St. at Brgys. 13, 14, 12, 11, 10 and 9,
12. Marcos Avenue at Brgys.b 14, 13, 12 and 11.
13. D. Madamba St at Brgys. 14 and 15,
14. Ventura St. at Brgys. 1, 14 and 15,
15. Bonoan St. at Brgys. 1, 13, and 2,
16. Leaño Avenue at Brgys 2 and 3, from the Nat'l. Road going northward
17. Miguel St. (going to cemetery) at Brgy 1 and 15.
18. Damo St. at Brgy. 1,
19. Sotto St. at Brgy. 6 and the
20. NIA access road.

SECTION 5. Exemptions.

- a. Parked ambulances and public emergency vehicles.
- b. Checkpoints established in strategic areas and duly authorized by the LGU, and other concerned government agencies.
- c. Cargo vehicles shall be allowed to use the sidewalks at the Public Market in unloading and delivering their merchandise for a period not exceeding one (1) hour.
- d. On-going construction/s of government projects.

SECTION 6. Penalties: Any violation of the provisions of this ordinance shall be penalized as follows:

Sidewalk Vendors:

- 1st Offense: A fine of P500.00;
- 2nd Offense: Confiscation of items (for donation to DSWD, PNP, BJMP or other institutions upon decision of Municipal Mayor); and
- 3rd Offense: P2,000.00 fine.

Business signages:

- 1st Offense: A fine of P500.00;
- 2nd Offense: Confiscation and Dismantling of signages; and
- 3rd Offense: P1,000.00 fine and suspension/non-renewal of business permit if the violator is a business operator.

Construction Materials:

- 1st Offense: Written warning with an order to clear the construction materials within 24 hours from receipt of the same;
- 2nd Offense: Confiscation; and
- 3rd Offense: P2,500.00 fine and suspension/non-renewal of business permit if the violator is a business operator.

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Illegally Parked of vehicles:

1st Offense: A fine of P500.00

2nd Offense: A fine of P1,000.00

3rd Offense: A fine of P2,000.00 or imprisonment of not more than thirty (10) days or both upon the discretion of the Court.

SECTION 7. Additional Responsibilities of the Violator: The violator either the owner or lessee or occupant of both residential and commercial establishments are mandated to clean and clear from obstructions the sidewalks, passageway and setbacks, fronting their establishments.

It shall be the responsibility of the above-cited persons to place their garbage and litter in sanitary garbage, placed inside their yards and/or building and bring the same out only when garbage collector passes by. Failure to do so shall make the violator liable under this Ordinance.

SECTION 8. Implementing Rules and Regulations: The Municipal Mayor through the Business Permit and Licensing Office, PNP, Traffic Management Office, and the Treasurer's Office shall promulgate the rules and regulations to carry out the provisions of this Ordinance, within (30) days from its effectivity.

The Local Chief Executive shall likewise institute a grievance mechanism and designate a Grievance Committee which shall promulgate the rules and guidelines in addressing complaints relative to this ordinance. An inventory of roads shall also be conducted and a displacement plan shall also be formulated by the concerned department of the LGU. In addition to such mandate, the office of the Municipal Engineer shall cause the rehabilitation and maintenance of cleared roads.

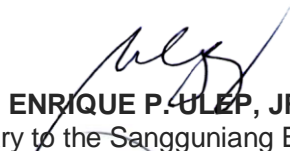
SECTION 9. Separability/Repealing Clause: If any provision of this Ordinance is held invalid or unconstitutional, or inconsistent with national law, rules and regulations, other provision not affected shall continue to be in full force and effect, the same shall prevail and all previous ordinances, rules, regulations, executive order or memoranda are hereby superseded and modified accordingly.

SECTION 10. Effectivity: This Ordinance shall take effect upon approval and compliance with the mandatory posting and publication requirement, prescribed under RA 7160, otherwise known as the Local Government Code of 1991.

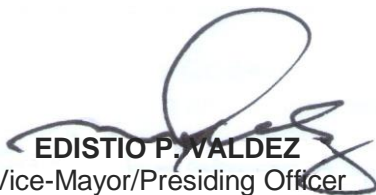
Voting on the foregoing ordinance was as follows:

- AYES : Members Hernando, A., Galing-Luna, Butay, Dadiz, Sr., Ruiz, Jr.,
Caraang, Pumaras, Sr., and Ulep, Jr.
- NAYS : None.
- ABSTAINED : None.

I hereby certify to the correctness of the foregoing ordinance.


ENRIQUE P. ULEP, JR.
 Secretary to the Sangguniang Bayan I

ATTESTED:


EDISTIO P. WALDEZ
 Vice-Mayor/Presiding Officer

APPROVED:


ALFREDO P. WALDEZ, JR., M.D.
 Municipal Mayor

Approved on: January 22, 2021