



Republic of the Philippines
Tanggapan ng Sangguniang Panlungsod
City of Naga



ORDINANCE NO. 90-075

AN ORDINANCE REGULATING THE USE OF SHOULDERS OF STREETS FOR BOTH CITY AND NATIONAL ROADS WITHIN TERRITORIAL JURISDICTION OF THE CITY OF NAGA AND PRESCRIBING PENALTIES THEREOF: -

Motioned by: Hon. Rodolfo Z. Fortuno
Seconded by: Hon. Noe B. Botor
Hon. Jose c. Rañola
Hon. Jose L. Grageda

Be it ordained by the Sangguniang Panlungsod of the City of Naga, that:

SECTION 1. - TITLE. - An ordinance regulating the use of the shoulders of the streets, roads and highways for both local and national roads within the territorial jurisdiction of the City of Naga.

SECTION 2. - DEFINITION OF TERMS. -

- a) Shoulder of Streets – is that portion of the thoroughfare from the edge of the lane pavement to the inner side of the drainage canal or culvert.
- b) Thoroughfare – is a public way of a main road or public highway.
- c) Street – is any public way pr thoroughfare, with or without pavement, located within the urban area of any barangay, town, city or municipality whose width is more than 3.00 meters, used primarily for vehicular traffic usually shorter in length than roads or highways.
- d) Road – is any open public way usually very much longer than the street with or without pavement used for the passage of vehicles, persons or animals.
- e) Highway – is a national road carrying heavy volume of fast traffic.
- f) City road – is a thoroughfare with a minimum width of ten meters located within the territorial jurisdiction of the city the construction of which is financed by the local city government but maintained by both locals and national funds, used primarily for vehicular traffic.
- g) National Road – is a thoroughfare with a minimum width of twenty meters, the construction and maintenance of which are financed by the national government. This road is primarily used for fast moving vehicular traffic and leading to tourist spots, national parks or to other towns and cities and must be declared as national road by the Department of Public Works and Highways.

SECTION 3. - PROHIBITIONS. - It is strictly prohibited to do the following activities on shoulders of streets or any portion thereof at any time of the day:

- a) Dumping of any type of materials or debris for temporary storage unless with a permit from the city government;
- b) Repairing of any type of vehicle and/or equipment except for stalled vehicles only due to breakdown;
- c) Overnight parking or making the shoulders of streets as temporary garage except for loading and unloading only.
- d) Piling and burning of garbage materials except garbage or containers ready for hauling by the garbage trucks and/or equipment;
- e) Double-parking on shoulder of streets in any direction, which may affect adversely the smooth flow of vehicular traffic.

SECTION 4. - PENALTY CLAUSE. - Any person found guilty of violating any of the provisions of this ordinance shall upon conviction by any court of competent jurisdiction be penalized with:

- a) A warning and a reprimand for the first offense
- b) A fine of not less than P100.00 not more than P1, 000.00 for the second offense.
- c) Imprisonment of not less than ten (10) days nor more than one (1) month for the third offense.
- d) Both fine and imprisonment for habitual delinquent as prescribed by the court of competent jurisdiction.

SECTION 5. - SEPARABILITY CLAUSE. - If for any reason any provision of this ordinance shall be held unconstitutional or not valid by any court of competent jurisdiction, such judgment shall not affect or impair the other provisions or part thereof which shall continue to be in force and in effect.

SECTION 6. - REPEALING AND AMENDATORY CLAUSE. - All ordinance, rules and regulations or any part thereof which are in conflict with or inconsistent to the provisions of this ordinance are hereby repealed and/or modified accordingly.

SECTION 7. - EFFECTIVITY. - This ordinance shall take effect immediately upon its approval.

ENACTED: October 31, 1990.

WE HEREBY CERTIFY to the correctness of the foregoing ordinance.

J. ANTONIO A. AMPARADO
Secretary to the
Sangguniang Panlungsod

LOURDES V. ASENCE
Vice Mayor & Presiding Officer

APPROVED:

JESSE M. ROBREDO
City Mayor

ATTESTED:

J. ANTONIO A. AMPARADO
City Secretary