



Republic of the Philippines
Tanggapan ng Sangguniang Panlungsod
City of Naga



ORDINANCE NO. 96-042

AN ORDINANCE FURTHER REGULATING THE USE OF ROADSIDES AND STREETSIDES WITHIN THE TERRITORIAL JURISDICTION OF THE CITY OF NAGA ESPECIALLY IN ITS USE BY JUNK SHOPS, AUTO SUPPLY, AND AUTO REPAIR SHOPS AND HARDWARE'S AND FOR PARKING OF UNSERVICEABLE OR DILAPIDATED VEHICLES AND PRESCRIBING PENALTIES THEREOF:-

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

SECTION 1. - TITLE. - This ordinance shall be known as an ordinance further regulating the use of roadsides and street sides within the territorial jurisdiction of the City of Naga especially in their use by junkshops, auto repair shops, auto supply and hardware stores and for parking of unserviceable vehicles and prescribing penalties thereof.

SECTION 2. - SCOPE. - This ordinance shall embrace all roadsides whether National, Provincial, City or Barangay roads within the territorial jurisdiction of the City of Naga and shall cover all kinds and types of unserviceable vehicles or parts thereof, to include all genuine or surplus materials used in the business of assembling or repairing motor vehicles or trading junk parts.

SECTION 3. - As shall be used in the ordinance the following definition of terms are to be construed including but not limited to the definition given in Ordinance No. 90-064 of this City Council and those found under the Transport and Traffic Code of the City of Naga, enacted on April 28, 1989 as reproduced in this ordinance, viz:

DEFINITION OF TERMS

- a. Roadsides - are the portions of the road which is part of the road right of way as a national.
- b. 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.
- c. Street - is any public way or 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. Streetsides or sidewalk - shall refer to portion of a street curb lines, or the lateral lines of a roadway and the adjacent property lines, intended for the use of pedestrians.
- e. Auto repair shop - are shops that accept and repair all types of vehicles with defects and/or those that assemble or convert locally manufactured vehicle.

- f. Unserviceable vehicles - shall include all types and makes of vehicles such as cars, jeepneys, trucks, buses, motorcycles, tricycles, trimobles, bicycles and pedicabs and parts thereof that are no longer being used for transport because they are either without useful parts or they are already dilapidated or grossly deteriorated.
- g. Junk Shops - are shops that deal or buy and sell junk or demented parts of vehicles of any kind and types.

SECTION 3. - PROHIBITED ACTS AND PRACTICES. -

It shall be strictly prohibited:

- a. By any owner or persons in charge of unserviceable vehicles as defined in 3c above to park or leave such vehicle to stay on the roadsides or streetsides for a period of more than five (5) working days from the time that it is seen parked, especially if such vehicle is permanently immobile, and cannot be maneuvered about easily.
- b. To pile up junk parts of vehicles or steel or hard materials on the same roadsides and streetsides without moving them away for a period of five (5) working days.
- c. For owners or dealers of junk materials to use at any time the said sidestreets or roadsides or any part thereof to pile up the same junk materials awaiting buyers and dealers to fetch the same.
- d. For auto supply and hardwares to stock their wares such as auto parts, engines, etc. at the roadsides or streetsides abutting their establishment as to impede the use of such sidewalks by pedestrians.

SECTION 4. - PENALTIES. -

- 1. All vehicles and vehicles parts parked and/or piled upon along roadsides and streetsides as are determined in Sec. 3a and b of this ordinance are to be towed or carried away by the City Engineer's Office team to be created for this purpose after the regulatory period of five (5) days. Such towed vehicle parts can be redeemed by paying a fine, thus:

SECTION 4-1-a. - For the 1st apprehension a fine of P500.00 per vehicle parts;

Second apprehension of same vehicle or vehicles\parts - 1,500.00;

Third Offense - confiscation and sale by public auction such junk vehicle or parts.

Fourth Offense - confiscation of the vehicle a fine of P1,500.00 plus imprisonment of its owner or possessor of not less than 15 days or both upon the discretion of the court.

- 2. Dealers of junk parts and other materials for sale who extend their pile of junk materials into the roadside or streetside outside of their property line shall be punished, thus:

2.a 1st apprehension, a warning asking the owner to relocate his junks in an inner place away from the roadside;

2.b 2nd apprehension a fine of P500.00 per kind of junk;

2.c 3rd offense - confiscation of the materials involved and a fine of P1, 5000.00 and imprisonment of not less than 15 days or both depending upon the discretion of the court.

SECTION 5. - CREATION OF A TOWING TEAM. - This ordinance authorizes and directs the City Engineer to form a Team of personnel in his Office of not less than five (5) persons to conduct a periodic inspection of the roadsides and streetsides of the city and apprehend violators of the prohibitions of this ordinance.

Such team is authorized to procure a Tow vehicle suitable enough to tow away dilapidated vehicle or junk parts found to be in violation of this ordinance and deposit them to a junk yard owned by the city determined by the City Mayor to be designated. Expenses of the implementation of this ordinance be charged to the Office of the City Engineer to a special fund as maybe determined by the Mayor of the City.

SECTION 6. - 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 7. - REPEALING AND AMENDATORY CLAUSE. - All ordinances, 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 8. - EFFECTIVITY. - This ordinance shall take effect immediately upon its approval.

ENACTED: August 21, 1996.

WE HEREBY CERTIFY to the correctness of the foregoing ordinance.

J. ANTONIO A. AMPARADO
City Secretary

FIEL L. ROSALES
City Councilor/Acting Vice-Mayor
& Presiding Officer

APPROVED:

JESSE M. ROBREDO
City Mayor