

ORDINANCE NO. 2006-065
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ORDINANCE PROVIDING FOR THE USE OF WHEEL CLAMPS TO IMMOBILIZE ILLEGALLY PARKED VEHICLES, IMPOSING PENALTIES FOR VIOLATIONS THEREOF, AND FOR OTHER PURPOSES:-

Sponsors: Hon. John G. Bongat
Hon. Jose L. Grageda

ARTICLE I
GENERAL PROVISIONS

SECTION 1. – LEGISLATIVE FINDINGS AND DECLARATIONS. – Pursuant to the provisions contained in Republic Act 7160, otherwise known as the Local Government Code of 1991, the City Government of Naga is empowered to regulate the use of streets, Alleys, and other public places and improve and maintain the same, regulate the use of parking spaces, as well as designate areas to be occupied by public and private vehicles when not in use.

It is the policy of the City of Naga to introduce a regulated parking system in areas so designated by the City, so as to improve and enhance traffic flow and distribute equitably the limited parking spaces available.

Pursuant to this policy, there is a need to implement the use of wheel clamping or tire lock system. Wheel clamp or tire lock is a device used to immobilize vehicles that have been issued official parking violation notices.

The use of this system is a more efficient way of complying with existing parking rules and regulations and eliminates the worry of vehicle owners because it does away with outright towing and impounding, that could damage the towed vehicles, thereby minimizing complaints from vehicle owners against traffic enforces.

It is therefore ordained by the Sangguniang Panlungsod of the City of Naga that an ordinance providing for the use of wheel clamps to immobilize illegally parked vehicle be established.

SECTION 2. – TITLE. – This Ordinance shall be known as “**ORDINANCE PROVIDING FOR THE USE OF WHEEL CLAMPS TO IMMOBILIZE ILLEGALLY PARKED VEHICLES, IMPOSING PENALTIES FOR VIOLATIONS THEREOF, AND FOR OTHER PURPOSES**”.

SECTION. – DEFINITIONS. – The following words and phrases, whenever used in this ordinance, shall be construed as defined in this section:

- (a) **“WHEEL CLAMP OR TIRE LOCK”** means a device or any similar equipment that will be used to immobilize illegally parked vehicles that have been issued official parking violation notices;

- (b) **“ILLEGALLY PARKED VEHICLE”** means vehicle parked in spaces not designated by the city ordinances as parking area and/or obstructing the free flow of traffic in the streets of the city.

ARTICLE II
ENFORCEMENT AND IMPLEMENTATION

SECTION 4. The use of wheel clamp or tire lock to immobilize illegally parked and unattended vehicles in any street or area designated as “no parking” or “tow away zone”, “clamp wheel zone”, pedestrian lanes, or beside fire hydrants and driveways, pursuant to the amended Transport and Traffic Management Code of the City, shall hereby be authorized.

SECTION 5. The wheel clamp or tire lock is a yellow metal gadget or immobilizing device duly registered, authorized and bearing the seal of the City of Naga that is placed on the left portion of the left tire of the vehicle including container vans, trucks, trailers, and other multi-wheeled vehicles, trimobile or motorcycle, and shall be installed by the authorized personnel of the PNP Naga and Public Safety Office.

SECTION 6. The city government shall not be held responsible for any damage to the vehicle caused by any movement or attempted movement of the vehicle by the owner/driver/operator while the wheel is clamped.

SECTION 7. A Clamping Unit is hereby created under the joint supervision of PNP Naga and Public Safety Office (PSO) to ensure that the provisions of this Ordinance shall be carried out efficiently and effectively. Moreover, it shall be also charged with painting of pedestrian lanes and road signs, traffic signboards and installations thereof and other tasks in furtherance of the objectives of this Ordinance and the amended Transport & Traffic Management Code.

ARTICLE III
PENALTIES

SECTION 8. For the release/removal of the said clamping device, the owner/driver/operator shall pay the fine of six hundred (P600.00) pesos to the City of Naga, for which a corresponding official receipt shall be issued. Payment shall be made at any official payment center designated by the city.

The owner/driver/operator of the clamped vehicle shall be given a maximum period of three (3) hours, within which to redeem the said illegally parked vehicle by paying the amount of the fine prescribed in this Section, otherwise, an additional fine of two hundred (P200.00) pesos per hour shall be charged against said driver/operator/owner.

SECTION 9. It will be unlawful and/or illegal to remove or destroy the wheel clamp, and any attempt to remove or destroy the wheel clamp shall subject the offender to a fine of one thousand (P1,000.00) pesos or one month imprisonment or both, at the discretion of the court, plus liability to pay the cost/value of the wheel clamp, should the same be destroyed.

ARTICLE IV
EFFECTIVITY

SECTION 10. – SEPARABILITY CLAUSE. – Any provision or portion of this ordinance found to be violative of the constitution or invalid shall not impair the other provisions or parts thereof which shall continue to be in force and in effect.

SECTION 11. – REPEALING CLAUSE. - Ordinances, rules and regulations or parts thereof, which are inconsistent or in conflict with the provisions of this ordinance are hereby repealed and/or modified accordingly.

SECTION 12. – EFFECTIVITY. - This Ordinance shall take effect immediately after publication in a newspaper of general circulation in Naga City.

ENACTED: November 27, 2006.

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WE HEREBY CERTIFY to the correctness of the foregoing ordinance.

GIL A. DE LA TORRE
Board Secretary IV & Secretary-Designate

JOHN G. BONGAT
Acting City Vice-Mayor & Presiding Officer

APPROVED:

JESSE M. ROBREDO
City Mayor