



WHEREAS, the intent of this legislation is to add to existing litter control, removal and enforcement efforts and not to terminate or supplant such efforts;

NOW, THEREFORE BE IT ORDAINED, AS IT IS HEREBY ORDAINED, by the Honorable Members of the Sangguniang Panglungsod duly assembled that:

**ARTICLE I**  
**GENERAL PROVISIONS**

**SECTION 1. TITLE.** - This Ordinance shall be known and maybe cited as the "ORDINANCE REGULATING ABANDONED AND JUNK MOTOR VEHICLES IN THE CITY OF NAGA".

**SECTION 2. BASIS OF ORDINANCE.** - This Ordinance is hereby enacted pursuant to Section 458 (a) (4)(i); (5)(vi); (6) of Republic Act 7160, otherwise known as the Local Government Code of 1991.

**SECTION 3. LIBERAL CONSTRUCTION.** - This Ordinance shall be liberally construed to give full effect to the objectives and purposes for which it was enacted.

**ARTICLE II**  
**PURPOSE AND OBJECTIVES**

**SECTION 4.** - The purpose and objectives of this ordinance are as follows:

- a) To ensure the public health, safety, and general welfare by providing controls on the removal and disposal of abandoned and junk motor vehicles which could constitutes an immediate health, safety, fire or traffic hazard.
- b) To prohibit abandoned or junk motor vehicles from being disposed of by leaving them on public or private property.
- c) To eliminate the present accumulation of abandoned and junk motor vehicles.
- d) To prevent future accumulation of abandoned and junk motor vehicles.
- e) To promote or enhance community, neighborhood or area appearance.

**ARTICLE III**  
**DEFINITION OF TERMS**

**SECTION 5.** - For the purposes of this Ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein:

- a) **Republic Act 7160** - Local Government Code of 1991;
- b) **City** - is the City of Naga;
- c) **Person** - any person, firm, corporation, partnership, association, company, or organization of any kind;
- d) **Motor Vehicles** - any vehicle, private or public, which is designed to travel along the ground or in the water and shall include, but not limited to trains, trucks, tractors, buses, pull trailers, go-carts, boats, campers, trailers, jeepneys, taxis, FXs, tricycles, motorcycles and the like;

- e) **Abandoned Motor Vehicles** - motor vehicle as defined by subsection (d) herein and is one that:
1. Is left upon a street or highway and public property in violation of a law, violation of this ordinance or any ordinance of the city prohibiting parking; or
  2. Is left for longer than twenty-four (24) hours on property owned or operated by the city; or
  3. Is left longer than two (2) hours on private property without the consent of the owner, occupant, or lessee of the property; or
  4. Is left for longer than seven (7) days on public grounds.
- f) **Junked Motor Vehicles** - motor vehicles as defined by subsection (d) hereof which do not display a current license plate or a current registration sticker and which do not display a current inspection sticker issued by Land Transportation Office and;
1. Are partially dismantled or wrecked and inoperable; or
  2. Cannot be self-propelled or moved in the manner in which originally intended.
- g) **Inoperable Motor Vehicle** - any vehicle as defined by subsection (d) herein which is not in operating condition due to damage, removal or inoperability of one or more tires and wheels, the engine or other essential parts required for the operation of the vehicle, or which does not have lawfully affixed thereto a valid license plate or which constitutes an immediate health, safety, fire or traffic hazard;
- h) **Private Property** - shall mean any real property within the City which is privately owned and which is not public property as defined in this section;
- i) **Public Property** - shall mean any street, alley or highway which shall include the entire width between the boundary lines of every way publicly maintained for the purposes of vehicular travel, and shall also mean any other publicly owned property or facility;
- j) **Removal Agency** - The City's Public Safety Office or any public body, private or non-profit organization authorized by the city to remove and salvage abandoned or inoperable vehicles;
- k) **Public Safety Office (PSO)** - the office of the city which function is centered on public safety and transport and traffic control and management;
- l) **Motorpool Division of City Engineer's Office** - the division of City Engineer's Office which function is to provide technical assistance to other offices/departments and other government entities/agencies.

**ARTICLE IV**  
**IDENTIFICATION AND REMOVAL OF INOPERABLE,**  
**ABANDONED, AND JUNK MOTOR VEHICLES**

**SECTION 6. STORING, PARKING OR LEAVING DISMANTLED, INOPERABLE OR ABANDONED MOTOR VEHICLES DECLARED NUISANCE.** - It shall be unlawful for any person to abandon any inoperable or junk motor vehicles on public and on private property within the territorial jurisdiction of the City. The presence of an abandoned, discarded, wrecked, burned, dismantled, inoperable, junk or partially dismantled vehicle or parts thereof on private or public property is hereby declared a public nuisance, which may be abated as such in accordance with the provisions of this Ordinance. It is unlawful to keep or place any of the above described vehicles or vehicle parts:

- a) Upon public streets or property except on an emergency basis;  
or
- b) Upon the private property of any person owning, in charge of, or in control of any real property within the city whether as an owner, tenant, occupant, lessee or otherwise for longer than fourteen (14) days unless it is within a garage or carport, fully enclosed building or structure. A tarpaulin, tent or other similar structure shall not be deemed to satisfy the requirements of this section;
- c) In no event shall an inoperable vehicle that constitutes an imminent health, safety, fire, and traffic hazard be kept or located on any premises.

**SECTION 7. EXCEPTIONS.** - This Ordinance shall not apply to:

- a) One inoperable vehicle kept on private property without being shielded from public view if licensed and kept on a private driveway;
- b) Filling stations, automobile repair shops or any other motor vehicle related businesses in compliance with applicable City ordinances may place inoperable vehicles being repaired or offered for sale on the premises;
- c) Junkyards operated and maintained in compliance with applicable City Ordinances;
- d) Collectors who shall maintain and display vehicles in compliance within City approval.

**SECTION 8. REMOVAL.** - Abandoned, inoperable, and junk motor vehicles found to be in violation of this ordinance may be removed to a storage garage or area. If the city finds an abandoned, inoperable or junk motor vehicle on public property within the city, they are authorized, through the Public Safety Office (PSO), to place written notice on the vehicle that it will be removed and brought to the City Motorpool garage or place of safety unless the owner removes the vehicle from public property within twenty-four (24) hours of the giving of the notice. After expiration of the twenty-four (24) hour period the vehicle may be removed by a removal agency (the Public Safety Office with the assistance of the Motorpool Division of City Engineer's Office) to a garage or place of safety. Nothing in this section precludes the City from immediately removing a vehicle that constitutes an imminent health, safety, fire and traffic hazard.

**SECTION 9. DUTY OF PRIVATE PROPERTY OWNERS.** - No person owning, in charge of, or in control of, any real property within the City, whether as owner, tenant, occupant, lessee or otherwise, shall allow

any abandoned, inoperable or junk motor vehicle of any kind to remain on such property longer than fourteen (14) days.

**SECTION 10. NOTICE TO REMOVE.** - A notice in writing shall be served by the city upon any person having an abandoned, inoperable or junk motor vehicle on their property, requesting the removal of such motor vehicle in the time specified in this ordinance.

**SECTION 11. RESPONSIBILITY FOR REMOVAL.** - Upon proper notice, the owner of the abandoned, inoperable or junk motor vehicle and the owner or occupant of the private property on which the same is located, then, shall be responsible for its removal.

**SECTION 12. NOTICE PROCEDURE.** - The City shall give notice of removal to the owner or occupant of the private property where it is located. It shall constitute sufficient notice when a copy of the same is sent by registered or certified mail to the owner or occupant of the private property at his last known address.

**SECTION 13. CONTENT OF NOTICE.** - The notice shall contain the request for removal within fourteen (14) days after the mailing of such notice, and the notice shall advise that failure to comply with the notice to remove shall be a violation of this Ordinance.

**SECTION 14. DISPOSITION OF UNCLAIMED ABANDONED, INOPERABLE, OR JUNK MOTOR VEHICLES.** - The removal agency shall have the rights and obligations conferred upon it by the City by virtue of this Ordinance in regard to obtaining a title for or disposition of such unclaimed motor vehicle, except that, if not otherwise provided by law, it shall have possessory lien upon any motor vehicle removed under provisions of this Ordinance for the costs or reasonable charges in taking custody of and storing such vehicles.

After holding an abandoned or junk vehicle for fifteen (15) days, the City through the General Services Office may destroy or sell it at public auction sale as junk. The full proceeds of the sale of the junk vehicle shall be deposited in a trust fund created under Section 19 hereof for the purpose and in favor of the Public Safety Office (PSO), and the owner's right in the vehicle are extinguished.

**SECTION 15. REDEMPTION.** - Should the owner of the abandoned, inoperable or junk motor vehicle opt to claim or redeem the same within the 15-day holding period, he shall be liable to pay the City Government the amount of two hundred (P200.00) pesos per day by way of storage/parking/warehousing fee.

**ARTICLE V**  
**PENALTIES OF VIOLATOR**

**SECTION 16.** - In addition to any other penalties that may be prescribed by law, the person found to be guilty of violating this ordinance shall upon conviction be punished as follows:

- (a) **Petty Offense** - a person or violator not previously convicted of a violation of this ordinance shall upon conviction be guilty of a petty offense and fined one thousand (P1,000.00) pesos;
- (b) **Misdemeanor** - a person or violator previously convicted of not more than one (1) violation of this ordinance shall upon conviction of a second violation be guilty of a misdemeanor and fined three thousand (P3,000.00) pesos or imprisoned for not more than thirty (30) days;

(c) **Further Offenses** - a person or violator previously convicted of more than one (1) violation of this ordinance shall upon conviction of any additional violations be guilty of a misdemeanor and required to pay a mandatory fine of five thousand (P5,000.00) pesos and imprisoned for not more than sixty (60) days, or both such fine and imprisonment at the discretion of the court.

**ARTICLE VI**  
**EFFECTIVITY OF THE ORDINANCE**

**SECTION 17. SPEEDY TRIAL.** - With all due regard to the requirement of due process, violations of this ordinance shall be speedily investigated and subject to summary proceedings and/or continuous trial in order that the ordinance will achieve its purpose.

**SECTION 18. IDENTITY OF THE OFFENDER.** - It is hereby imposed a duty of the apprehending and/or investigating officer/s to exercise utmost diligence to ascertain the true identity and other personal circumstances of the offender.

**SECTION 19. TRUST FUND.** - Any and all sums of money which shall accrue to the city government by reason of this ordinance shall be placed in a trust fund which shall be devoted solely for the law enforcement and public safety programs of the City.

**SECTION 20. 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.

If any provision of this Ordinance, or its application to any person, legal entity or circumstance, is held invalid, the remainder of the Ordinance, or the application of the provision to other persons, legal entities or circumstance, shall not be affected.

**SECTION 21. REPEALING CLAUSE.** - Ordinances, rules and regulations or parts thereof, which are inconsistent or in conflict with the provisions of this ordinance, are hereby repealed or modified accordingly.

**SECTION 22. EFFECTIVITY.** - This ordinance shall take effect immediately upon its approval and publication in local newspapers of general circulation.

**ENACTED:** June 17, 2008.

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**WE HEREBY CERTIFY** to the correctness of the foregoing ordinance.

**(Sgd) GIL A. DE LA TORRE**  
Board Secretary IV  
& Acting SP Secretary

**(Sgd) JOHN G. BONGAT**  
Acting City Vice Mayor  
& Presiding Officer

**APPROVED:**  
**(Sgd) JESSE M. ROBREDO**  
City Mayor