

ORDINANCE NO. 2014-004
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AN ORDINANCE ESTABLISHING AND REGULATING A NIGHT MARKET
IN THE CITY OF NAGA:-

Introduced by: **Hon. Maria Elizabeth Q. Lavadia**
Sponsor: SP Committees on Market Affairs,
Ways and Means, Laws and Ordinances

EXPLANATORY NOTE

Per data of the Department of Trade and Industry (DTI), micro, small and medium enterprises (MSMEs) contributed almost 61% of the total jobs generated by all types of business establishments in 2011. This translates to about 3,872,406 new employment opportunities created in 2011 as against the 2,473,336 new jobs offered by big corporations in the same year. MSMEs also accounted for about 99% of the registered businesses in the country.

The aforementioned figures are highly illustrative of the vital role of the MSMEs in the inclusive socio-economic development of our country. Due to their very nature, MSMEs provide livelihood to our constituents who are less skilled and who are usually members of the underprivileged sectors of society. They also provide added value to local products and offer a ground for training the public's entrepreneurial spirit and resourcefulness.

Given their importance in the improvement of our country and our city's socio-economic status, the city government should provide ample attention in attending their needs. The city government should offer them sufficient avenues where they can sell their wares and offer their services. MSMEs should be given considerable assistance to grow.

Establishing a night market is a possible alternative in bestowing micro, small and medium entrepreneurs' substantial exposure to the market. Through a night market that is situated in a heavily-populated and busy location, they will be given significant opportunities to sell their products more easily and more profitably.

A night market can also be an extension of MSME's business operations. After usual 8 AM to 5 PM business operations, MSMEs can opt to establish a small selling area in a night market and to sell their wares in an extended period. Such expansion will also result to generation of more employment opportunities for the poor and for the needy.

Even the national government acknowledges the significance of night market as an economic tool. In fact, the Local Government Code even allows the temporary closure of public roads for the purpose of establishing night markets. Chapter 1, Section 21, paragraph (d) of the Local Government Code of 1991 states that "any city, municipality, or barangay may, by a duly enacted ordinance, temporarily close and regulate the use of any local street, road, thoroughfare, or any other public place where shopping malls, Sunday, flea or NIGHT MARKETS, or shopping areas may be established and where goods, merchandise, foodstuffs, commodities, or articles of commerce may be sold and dispensed to the general public."

With the said provision of the LGC and the recognition of the value of a night market for our economic advancement, the immediate passage of this ordinance is, therefore, earnestly sought. Thus:

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

ARTICLE I
BASIC PRINCIPLES

SECTION 1.-TITLE.-This Ordinance shall be known as the "NIGHT MARKET ORDINANCE OF NAGA CITY."

SECTION 2.-DEFINITION OF TERMS.- As used in this ordinance, the following terms shall be construed and understood as follows:

- a) **NIGHT MARKET**-Refers to government regulated market conducted at specific time and duration at night and located in portions of designated places or streets in the City of Naga that are situated outside the Naga City People's Mall and are legally and temporarily closed to vehicular traffic, for the purpose of accommodating people indulged in the business of selling goods or offering services to the public for profit.
- b) **OCCUPANTS** - Refers to interested person or persons allowed to display and sell goods or offer services after an application has been approved and a definite space has been assigned on a temporary basis and has paid the nightly fee.

- c) **COLLECTORS** - Refers to revenue collection clerks, who is properly bonded, officially representing the Market Enterprise and Promotions Office, to collect the fees or charges and issue the corresponding receipt or cash tickets to occupants of the night market.
- d) **CUSTOMER** - Refers to any person buying the goods displayed or patronizing the services of the occupants in the night market of the City of Naga.
- e) **SECURITY OFFICER** - Refers to the policemen, public safety officers and barangay tanods assigned to maintain peace and order in the market area.
- f) **NIGHT MARKET SUPERVISORS**-Refers to the personnel assigned by the Market Enterprise and Promotions Office who shall implement the distribution of the space to the occupant, ensure that fees are duly and promptly collected, and guarantee that sanitation and security in the areas are maintained and that regulations are strictly enforced and observed.
- g) **DESIGNATED NIGHT MARKET PLACE** - These are officially declared locations which could be government properties and/or portions of roads or streets legally and temporarily closed to vehicular traffic, for the purpose of accommodating the night market project of the City Government of Naga. Location can be expanded relocated or transferred by the Local Government as the need arises.

SECTION 3.- DECLARATION OF POLICIES.-It is hereby the declared policies of the State and Naga City to:

- a. Promote the welfare of the public by providing sufficient windows for economic gains;
- b. Attain inclusive socio-economic development through advancing the interests of micro, small and medium entrepreneurs and generation of employment opportunities; and,
- c. Maximize the utilization of government assets for sustainable and comprehensive economic growth and social progress.

**ARTICLE II
THE NIGHT MARKET**

SECTION 1.- LOCATION OF THE NIGHT MARKET.- while the City Government of Naga could designate and declare legally portion of open spaces or roads for purpose of the night market, the initial designated site is the Gen. Luna (short Street), starting from corner Benito Commercial Building to corner Eurotel Hotel;

SECTION 2.- DESIGNATED DAYS OF NIGHT MARKET. - The days of the Night Market shall be Fridays, Saturdays and Sundays. Except during a week in May wherein Naga City is celebrating the Summer Peñafrancia Festival and the whole month of September for the Peñafrancia Fiesta;

SECTION 3. - DESIGNATED TIME AND DURATION OF THE NIGHT MARKET.-Installing of the paraphernalia shall be at 7:00 PM, closing time shall be at 2:00 AM. No commercial structure, paraphernalia or goods can be displayed before 7PM, the opening time of the Night Market. Night market shall be for duration of six (6) hours.

SECTION 4. NIGHT MARKET OCCUPANTS.- Preference must be given to any voting resident of the City of Naga, duly certified as such by the Commission on Election. Applicant shall be qualified to sell his/her wares or offer his/her services in the night market, provided, however, that his/her application to become one has been duly approved first by the Market Awards Committee.

SECTION 5. - APPLICATION REQUIREMENTS.- Individuals/entrepreneurs who wish to be occupants in the night market shall submit their application documents to the Market Awards Committee with the following requirements:

- 1) Community Tax Certificate
- 2) Barangay Business Clearance (Barangay Dinaga)
- 3) Health Clearance
- 4) Voter's ID/Certificate coming from the COMELEC Naga
- 5) Police Clearance

SECTION 6.- STALL ASSIGNMENT - Upon approval of their applications, occupants in the night market shall be given a permit and shall be assigned to a location by the Night Market Supervisor.

Occupants are committed to sell their wares/open for business during all Fridays, Saturdays and Sundays within the period specified in the contract. Failure

to abide with this condition shall be sufficient cause for cancellation of their contract, hence, the Market Awards Committee is entitled to award his/her space to another applicant.

SECTION 7. - RENTAL FEES.- Rental fee will be at PhP10.00 per square meter. Any fraction thereof shall be charged the same amount.

All occupants shall also be charged PhP15.00 daily as payment for electric consumption.

SECTION 8. - COLLECTION OF RENTAL FEES.-The rental fee must be paid nightly and before 2 AM, the closing time of the night market. The City Treasurer's Office shall deputize assigned Night Market Supervisor(s) to collect the payment and issue corresponding cash tickets.

No credit is allowed. Inability to pay the rental fee before said time is considered a violation of this ordinance and the sanctions provided in this ordinance shall be levied to the occupant.

SECTION 9. - MAXIMUM AREA FOR OCCUPANCY.- Each occupant is only allowed to rent a maximum of Five (5) square meter-stall (2.5 x 2.5).

SECTION 10. - PROHIBITION ON SUBLEASING.- Subleasing is not allowed. All occupants permitted by the Market Awards Committee to do business in the night market should be the legal and rightful owner of the enterprise that will use and occupy the appropriated space for him/her.

ARTICLE III CLOSURE OF ROADS

SECTION 1. - Pursuant to the *Local Government Code of 1991, Chapter I Section 21(d)* states that, any city municipality or barangay may, by a duly enacted ordinance, temporarily close and regulate the use of any local street, road, thoroughfare, or any other public place where shopping malls, Sunday flea or night market or shopping areas may be established and where goods merchandise, foodstuffs, commodities or articles of commerce may be sold and dispensed to the general public;

SECTION 2. - FOR THE PURPOSE OF NIGHT MARKET - Gen. Luna (Short Street) shall be temporarily closed from

traffic starting 7:00 PM to 2:00 AM on Fridays, Saturdays and Sundays.

**ARTICLE IV
INSTALLATION, DISPLAY AND REMOVAL OF GOODS AND OTHER
PARAPHERNALIA**

SECTION 1. - INSTALLATION AND DISPLAY OF GOODS.-
Occupants can only install and display their goods and other market paraphernalia within their designated area. No commercial structure, paraphernalia or goods can be displayed in the market site and/or along any streets, road-right of ways and any government sites. Failure to comply shall be grounds for the removal and confiscation of the goods by the Naga City Police Office/Public Safety Office in favor of the City Government of Naga.

SECTION 2. - KIND OF MATERIALS. - Only light structures and materials which could be easily folded, lifted and removed should be installed since the stay of the occupants is limited and temporary. The City Government if deemed necessary shall provide the design of collapsible structure and shall regulate the same to observe safety and aesthetics.

SECTION 3.- ALLOWABLE GOODS FOR DISPLAY AND VENDING.-
Only light materials or goods which could be easily lifted, folded and/or removed should be displayed and sold inside the night market; provided, however, that such items do not belong to the following categories:

- a. Pirated materials, such as DVDs and CDs;
- b. Livestock and poultry, either butchered or alive
- c. Goods and services that emit loud noise and require heavy electrical load (more than 500 watts).
- d. Alcoholic drinks.

SECTION 4.- THE NIGHT MARKET SECTIONS.-For purposes of order and aesthetics, the dry goods section of the night market shall be arranged in sections to wit:

- a. Clothes and Apparel
- b. Sari-sari (accessories)
- c. Footwear
- d. Kitchenware
- e. Groceries
- f. Gift Item Sections
- g. Plant and Flowers
- h. Furniture

SECTION 5. - SELLING OF GOODS AND SERVICES.-Occupants and their respective sales personnel and helpers must wear an identification card duly issued by the City Government of Naga when they are in the premises of the night market and are actively involved in the selling of their wares or services.

The size of identification card shall be 4 x 5 inches with the picture and name of the bearer clearly legible. The City Market Enterprise and Promotion Office shall determine the design and the other necessary information needed to be written on the ID.

SECTION 6.-REMOVAL OF GOODS AND COMMERCIAL PARAPHERNALIA
- All materials installed and/or displayed at the night market must be completely removed and cleared on or before closing time.

No structures, paraphernalia and goods of any part shall be left within the site of the night market site, along any streets, road-right-of-ways and/or in any publicly-owned sites.

**ARTICLE V
CLEANLINESS AND SANITATION**

SECTION 1.- RESPONSIBILITY OF THE OCCUPANTS.-It is the duty and obligation of the occupants to maintain the cleanliness and sanitation of their premises.

SECTION 2. -PROPER DISPOSAL OF SOLID WASTE.-For convenient collection by garbage trucks, occupants are hereby obliged to observe proper segregation of solid waste and to place their garbage in separate disposable containers, properly labeled either 'biodegradable' or 'non-biodegradable' and orderly kept at the side of the gutter of the road with their top openings tied or sealed to avoid scattering or spillage.

No solid waste shall be thrown in the drainage canals situated inside or in the surroundings of the night market.

SECTION 3.- DRYNESS OF THE AREA.-To avoid foul odor and unclean surroundings, occupants must maintain dryness of their respective areas.

SECTION 4.-PROPER DISPOSAL OF LIQUID WASTE.-Liquid waste must be placed in a separate container, which shall be properly labeled "liquid waste" and orderly kept at the

side of the gutter of the road with its top opening tied or sealed to avoid spillage.

**ARTICLE VI
PEACE AND ORDER**

SECTION 1.- ASSIGNMENT OF SECURITY OFFICERS.- While it is understood that occupants are to avoid unruly behavior, the City Government of Naga, however, shall assign three Public Safety Officers and four tanods of Barangay Dinaga to the night market for purpose of maintaining the security and peace and order of the place. Assistance of the members of the Philippine National Police shall be called whenever necessary.

SECTION 2.-DUTY OF NIGHT MARKET SUPERVISORS IN CASE OF EMERGENCIES.-In case of emergency or fire conflagration near the vicinity of the night market area, the night market supervisor(s) shall inform the occupants of such incidences and advise the latter to speedily remove or, if needed, abandon their structures and valuables and hastily clear the road for the passage of firefighting units.

**ARTICLE VII
FINAL PROVISIONS**

SECTION 24.-PENAL CLAUSE.-The following prohibited acts shall be imposed with corresponding penalties to wit:

- a) Occupants operating without an approved application - Php 500.00.
- b) Non-payment of fees before closing time -One (1) week suspension of Night Market Permit
- c) Non-operation of the occupant for Three (3) consecutive nights- Revocation of occupant's Night Market Permit.
- d) Improper disposal of solid and liquid wastes:
First Offense: Warning from the apprehending Officer
Second Offense: Fine of P 250-300
Third Offense: Fine of P500-1,000
Fourth Offense: Revocation of occupant's Night Market Permit.
- e) A fine of P50.00 per day shall be imposed for non-wearing of identification card.

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SECTION 25.- REPEALING CLAUSE.-All ordinances, rules, orders and regulations or parts thereof contrary to or inconsistent with any of the provisions of this ordinance are hereby repealed;

SECTION 26. - SEPARABILITY CLAUSE.-If any provision of this ordinance or the application thereon to any persons or circumstances is held invalid, the remainder of this ordinance, and the application of such provision to other persons or circumstances shall not be affected thereby;

SECTION 27. - EFFECTIVITY CLAUSE.- This ordinance shall take effect in full and immediately upon its approval unless otherwise suspended by the proper authorities.

ENACTED: February 11, 2014

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WE HEREBY CERTIFY to the correctness of the foregoing ordinance.

GIL A. DE LA TORRE
Secretary to the
Sangguniang Panlungsod

NELSON S. LEGACION
City Vice Mayor
& Presiding Officer

APPROVED:

JOHN G. BONGAT
City Mayor