

ORDINANCE NO. 2014-014

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AN ORDINANCE ESTABLISHING AND REGULATING A FOOD AND BEVERAGE AREA IN NAGA CITY:-

Introduced by: Hon. Maria Elizabeth Q. Lavadia
Sponsored by: Committee on Laws & Ordinances
Committee on Trade & Industry
Committee on Ways & Means

EXPLANATORY NOTE

WHEREAS, the present administration is highly committed to propel economic growth with equity;

WHEREAS, to achieve sustainable and inclusive economic development, micro, small and medium enterprises should be recognized by the city government as a vital tool for uplifting the socio-economic status of the poor, for providing employment to individuals in the marginalized sector, and for correcting the existing discrepancy between the privileged and underprivileged;

WHEREAS, establishment of a Food and Beverage Area will provide micro, small and medium enterprises more avenue to sell their goods and offer their services, thereby increasing their income and enhancing their capacity to generate more employment opportunities for unskilled workers;

WHEREAS, situating the Food and Beverage Area along the river bank of the Naga River will attract more consumers due to its scenery and ambience;

WHEREAS, by drawing Nagueños to the site, it is hoped that they will be able to appreciate more the river and, along the way, recognize its great contribution to the development of Naga as a *Maogmang Lugar* and instill to them the importance of its conservation and protection;

BE IT ORDAINED, therefore, by the Sangguniang Panlungsod of the City of Naga that:

SECTION 1. Title - This ordinance shall be known as the "Food and Beverage Area Ordinance of Naga City";

SECTION 2. Definition of Food and Beverage Area - For the purpose of this ordinance, Food and Beverage Area is that identified portion of Calle del Rio where you can find an informal restaurant where you can get food and drinks;

2a. **Beverage** - Those Alcoholic drinks with less than 20% Alcohol content.

SECTION 3. Location of the Food and Beverage Area - While the City Government of Naga could designate and declare government properties and/or portions of roads or streets legally and temporarily closed to vehicular traffic for the purpose of accommodating a food and beverage area, the initial designated sight is a portion of Calle del Rio starting from corner Eurotel (Danlugan) up to back-end of Eurotel Building (end of the Eurotel tent);

SECTION 4. Designated Days of Operation - The operation of Food and Beverage Area shall be conducted every Fridays, Saturdays and Sundays from 6:00PM to 2:00AM, except during a week in May wherein Naga City is celebrating the Summer Peñafrancia Festival and the Third week of September wherein we are conducting the Fluvial Procession;

SECTION 5. Closure of Roads - 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.

5.1 - Portion of Calle del Rio starting from corner Eurotel (Danlугan) up to back-end of Eurotel Building (end of the Eurotel tent) shall be temporarily closed from vehicular traffic starting 6:00PM every Friday to 2:00AM of Monday.

SECTION 6. Set-Up and Lay-Out - The following guidelines for the operation thereof are hereby formulated:

- 1) The concession shall be offered to all qualified persons, preferably a voting resident of the City of Naga, duly certified as such by the Commission on Election. Provided that he/she could present a Barangay Clearance, Police Clearance, Community Tax Certificate, Health Clearance (food handlers);
- 2) Setting up of stalls by concessionaires thereat shall not be earlier than 6:00PM every Friday and the same shall be completely removed before 2:00AM every Monday, closing time of the food and beverage area;
- 3) The portion of Calle del Rio which will be withheld for Food and Beverage Area shall be temporarily closed from traffic starting 6:00PM every Friday, to 2:00AM of Monday
- 4) The Food and Beverage Area stall shall be located at the side of the Eurotel building facing the river with a dimension of 2.5 x 2 square meter;
- 5) The Food and Beverage Area operators shall pay their electricity consumption to Eurotel Hotel Management based on their wattage used;
- 6) Food and Beverage Area operators may put up tables or other movable structures, the pathway along the riverbank should be cleared of tables and chairs;
- 7) No space thereat shall be subleased to any person, only one (1) stall per operator is allowed;

- 8) No operator shall be allowed to utilize a sound system where the level of noise would destruct or cause discomfort to the customers of neighboring operators;
- 9) Food and Beverage Area operators are only allowed to have a common sound system and live entertainment but loud music and band are prohibited;
- 10) Stalls should be awarded by way of a raffle by the Market Awards Committee;
- 11) Stalls shall have a designated number according to the drawn slot and same shall not be transferred to the co-stall owners but considered as a designated permanent space in the Food and Beverage Area;
- 12) Illegal vending is prohibited inside the Food and Beverage Area;
- 13) Bringing any kind of bladed weapons/firearms inside the premises of the Food & Beverage Area shall be prohibited;
- 14) Serving of alcoholic drinks should only be from 8:00PM up to 12:00 Midnight; Ban of liquor for juvenile below 18 year's old)

SECTION 7. Sanitation and Waste Disposal:

7.1 - Plastic utensils and Styrofoam are not allowed;

7.2 - Stall owners shall provide their own set of containers/garbage bag for proper sanitation. They are responsible for the cleanliness of their surroundings;

7.3 - No solid and or liquid waste shall be thrown in the river;

7.4 - Wash area will be provided by Eurotel Hotel.

SECTION 8. Maintenance of Peace and Order:

8.1 - The City Government of Naga shall assign Two (2) Public Safety Officers and Two (2) Tanods of Barangay Dinaga to the Food and Beverage Area for the purpose of maintaining the security and peace and order of the place and assistance from the members of the PNP.

Concessionaires are required to hire security guards for the whole group.

SECTION 9. Payment of Fees:

9.1 - The rental is PhP150.00 per night per stall;

9.2 - Food and Beverage Area operators shall be obliged to pay the rental of PhP150.00 per Night Whether they shall open or not on the stipulated days. In case the operator fail to pay for the Two (2) nights, he/she shall be subject to the following:

9.2.1 - He/she shall not be allowed to operate on the following Fridays, Saturdays and Sundays;

9.2.2 - In the event that he/she fails to pay again the said account for Four (4) nights, he/she must pay the previous account plus the penalty or fine which is under Section 10 Penalty Provision on the first offense of PhP500.00;

9.2.3 - Same unpaid accounts for Six (6) nights he/she shall pay the previous accounts plus the fine under second offense which is PhP1,000.00;

9.2.4 - And on the Third Offense made by the stall operator, he/she shall be made to pay the previous accounts of Eight (8) nights plus a fine of PhP1,500.00;

9.2.5 - Lastly, fourth and subsequent offense shall be the cancellation of his/her Mayor's Permit;

9.3 - Furthermore, except in cases where there are official pre-announcement made by PAG-ASA office for the weather disturbances/typhoons on the particular day or days, the stall operators shall be exempted from paying the per night rental of PhP150.00;

SECTION 10. Penalty Provisions - Violation of any of the provisions of the operating guidelines shall be penalized by the following administrative fines:

10.1 - First Offense - a fine of PhP500.00

10.2 - Second Offense - a fine of PhP1,000.00

10.3 - Third Offense - a fine of PhP1,500.00

10.4 - Fourth and Subsequent Offense - Cancellation of Mayor's Permit

10.5 - Penalty for Subleasing - Closure of stall, and the operator shall be banned from applying for another stall.

SECTION 11. Amendatory Clause - Ordinance No. 215 s. 1959 shall not apply only on the designated time and days of the week during the operation of the food and beverage area on the identified portion of Calle del Rio. The said Ordinance therefore, is hereby modified or amended accordingly.

SECTION 12. Separability Clause - If parts of this ordinance are declared unconstitutional by a competent court, the other provisions or parts thereof shall remain unaffected and enforceable.

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SECTION 13. Effectivity Clause - This ordinance shall take effect immediately upon its approval.

ENACTED: March 18, 2014.

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WE HEREBY CERTIFY to the correctness of the foregoing ordinance.

NELSON S. LEGACION
City Vice Mayor
& Presiding Officer

GIL A. DE LA TORRE
Secretary to the
Sangguniang Panlungsod

APPROVED:

JOHN G. BONGAT
City Mayor