

construction equipment operated in a conventional manner.

- g. **Environmental Compliance Certificate** - refers to the document issued by the DENR-EMB that allows the project to proceed to the next stage of project planning, which is the acquisition of approvals from other government agencies and LGUs, after which the project can start implementation.
- h. **Erosion** - The detachment and movement of soil or rock fragments by water, wind, ice or gravity, including such processes as gravitational creep.
- i. **Fill** - deposit of earth materials by artificial means
- j. **Land Development**- alteration of natural landscape of an area for residential, commercial and industrial purposes.
- k. **Slope**- an inclined ground surface, the inclination of which is expressed as a ratio of horizontal distance to vertical distance. Slope is termed positive or negative depending on whether it rises or falls respectively from the point of observation.

ARTICLE II

PROHIBITIONS

SECTION 3. - No person shall introduce any development on a parcel of land or Land filling/Back filling activity without securing permit from the City Government of Naga thru the City Environment and Natural Resources Office.

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SECTION 4. No activity shall be permitted on the conduct of land filling/back filling for the purpose of land development on agricultural land without land reclassification Certificate from the City Planning and Development Office. It shall also require that all site development with an area of is one (1) hectare and above, should have an Environmental Compliance Certificate issued by the Environmental Management Bureau (EMB) of the Department of Environment and Natural Resources (DENR).

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SECTION 5.- Dust and dirt from the area source or activity of land filling should be tolerable and will not cause danger to the health of the people. Any activity related to this ordinance that compromise the ambient air quality of

certain area shall not be permitted and shall be suspended. Contractors performing Land Filling operations within the city where dry conditions or dry admixtures are encountered shall adequately and effectively control dust to prevent spread off-site or onto existing structures on-site. Prior to commencement of land filling operations, the contractor shall furnish details of proposed dust control measures to the City Environment and Natural Resource Office for approval.

SECTION 6. - All vehicles that transport earth fill or quarry materials that ply within the City of Naga shall have cover, and all earth fill materials that will be transported in the City of Naga, should have necessary permits from the authorized agency.

SECTION 7. - It is also prohibited under this ordinance to dump earth fill materials within the three meter legal easement of natural waterways within the City, and/or they should have to provide a soil erosion control measures or retaining wall for the areas near the water bodies to preserve the natural slope.

SECTION 8. - The maximum level of Land filling/Backfilling Activity will be 1 meter high from the adjacent existing road on the proposed location.

ARTICLE III

ADMINISTRATION AND ENFORCEMENT

SECTION 9. - The administration and enforcement of this ordinance for applicants is hereby vested to the City Environment and Natural Resources Office (ENRO);

- MS*
- a. The developer will secure clearance from the City Environment and Natural Resources Office as a requisite for the issuance of development/building permit.
 - b. The City ENRO and the City Engineer's Office will be conducting evaluation and assessment and appropriate recommendation on the application, to ensure that adverse impact on the environment will be mitigated.
 - c. Compliance of Certificate will be issued upon all recommendation and restriction are followed by the developer.
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ARTICLE IV

PENALTY

SECTION 10. - For the violation of Article III of this Ordinance, the property owner/ developer and contractor shall pay a fine of Five Thousand Pesos (P5,000.00) for the 1st offense, for the 2nd and subsequent offenses, a fine of Five Thousand Pesos (P5000.00) pesos per violation, and imprisonment of not less than Thirty(30) days nor more than Sixty (60) days at the discretion of the court.

SECTION 11. Repealing Clause. All Ordinances, Executive Orders or other issuances which are inconsistent with this ordinance are hereby amended or repealed accordingly.

SECTION 12. Separability. Any provisions of this ordinance which is declared in violation of a National Law or the Constitution are therefore of no force or effect, except those not declared otherwise which shall continue to have full force and effect.

SECTION 13. Effectivity. This ordinance shall take effect upon publication in local newspaper.

ENACTED: January 29, 2021

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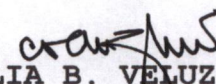
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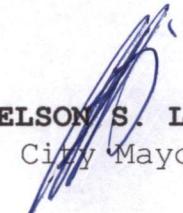
WE HEREBY CERTIFY to the correctness of the foregoing ordinance.



GIL A. DE LA TORRE
Secretary to the
Sangguniang Panlungsod


CECILIA B. VELUZ-DE ASIS
City Vice Mayor &
Presiding Officer

APPROVED:


NELSON S. LEGACION
City Mayor 2/8/21 