

EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF
THE SECOND SANGGUNIANG PANLUNGSOD NG ORMOC HELD AT
ITS SESSION HALL ON SEPTEMBER 28, 1982

PRESENT:

Hon. Benjamin F. Tugonon, Floor Leader, Presiding
Hon. Cristobal S. Mendola, Kagawad
Hon. Anastacio D. Besabella, Kagawad
Hon. Dionisio B. Torrevillas, Kagawad
Hon. Cesar S. Samson, Kagawad
Hon. Jose O. Bandalan, Kagawad
Hon. Dionisio S. Santiago, Kagawad
Hon. Romeo M. Hermosilla, ABC President, Kagawad

ABSENT:

Hon. Ma. Emily C. Codilla, FKB President, Kagawad
One seat vacant. The Honorable Vice-Mayor and Presiding Officer is acting as City Mayor

RESOLUTION NO. 1238

"The Sangguniang Panlungsod ng Ormoc, on motion of Kagawad Santiago, seconded by Kagawad Torrevillas;

"RESOLVED, to adopt:

ORDINANCE NO. 39

AN ORDINANCE REGULATING AND CONTROLLING THE DISCHARGE OF INDUSTRIAL AND OTHER WASTES INTO THE ATMOSPHERIC AIR OR BODY OF WATER WITHIN THE TERRITORIAL LIMITS OF THE CITY OF ORMOC FOR THE PURPOSE OF ABATEMENT AND PREVENTION OF POLLUTION, PROVIDING PENALTIES FOR ITS VIOLATION, AND FOR OTHER PURPOSES

BE IT ORDAINED, by the Sangguniang Panlungsod ng Ormoc, That:

SECTION 1. Title. - This Ordinance shall be known as the "Ormoc City Pollution Control Ordinance".

SECTION 2. Supervision and control. - The enforcement of the provisions of this Ordinance shall be under the supervision and control of the City Mayor.

SECTION 3. Definition of terms. - Except as otherwise provided, for purposes of this Ordinance, whenever any of the following words or terms are used herein, or in any amendments thereto, they shall have the same meaning ascribed to them in this section.

a. "Pollution" means such alteration of the physical, chemical and/or biological properties of any water and/or atmospheric air within the territorial limits of the City of Ormoc or any such discharge of any liquid, gaseous or solid substance into any of the water and/or atmospheric air within said city as will or is likely to create or render such water and/or atmospheric air harmful or detrimental or injurious to public health, safety or welfare, or to its domestic, commercial, industrial, agricultural, recreational or to other legitimate uses, or livestock, wild animals, birds, fishes or other aquatic life therein.

b. "Person" means any individual, private institution, industry, co-partnership, association, firm, trust or any other juridical entity whatsoever.

c. "Sewage" means the water-carried human or animal wastes from residences, buildings, industrial establishments, or other places, together with such water infiltration and surface water as may be present. The admixture of sewage as above defined and industrial wastes or other wastes as hereinafter defined, shall be considered as "sewage".

d. "Industrial waste" means any liquid, gaseous or solid matter, or other waste substance or a combination thereof resulting from any process of industry, manufacturing trade or business or from the development, processing or recovery of any natural resources.

e. "Effluents" means liquids discharged as wastes (as water used in industrial process or sewage).

f. "Other wastes" includes garbage, refuse, wood residues, sand, lime, cinders, ashes, offal, night soil, tar, dyestuffs, acids, chemicals, and other substances, not sewage or industrial waste, which may cause or tend to cause pollution or contribute to the pollution of the waters and/or atmospheric air within the City of Ormoc.

g. "Air pollution" means the discharging from stacks, chimney openings, buildings, structures, open fires, vehicles, processes, or any other source of any smoke, soot, fly ash, cinders, fumes, gases, vapors, odors, or any other matter in such place, manner, or concentration inimical to the health, safety, or welfare of the public, business, or property or in excess of the limitations established in the Rules and Regulations of the National Pollution Control Commission (NPCC) as published in the Official Gazette on June 5, 1978.

h. "Sewage system" or "Sewerage system" means pipe lines or conduits, pumping stations, constructed drainage ditches, and all other constructions, devices, and appurtenances used for collecting or conducting sewage and industrial wastes or other wastes to a point of ultimate disposal or discharge.

i. "Outlet" means the terminus of a sewage works or point of emergence into the waters and/or atmospheric air of any sewage, industrial waste or wastes.

j. "Treatment works" means any method, construction, devices or appliances appurtenant thereto, installed for the purpose of treating, neutralizing, stabilizing, disinfecting, or disposing of sewage, industrial wastes, or other wastes, or for the recovery of by-products from such sewage, industrial waste or other wastes.

k. "Sewage works" means individually or collectively those constructions or devices used for collecting, pumping, treating, and disposing of sewage, industrial waste or wastes, or for the recovery of by-products from sewage, industrial waste or wastes.

l. "Waste disposal" means the use of water for the disposal of sewage, industrial waste or wastes, either before or after treatment.

X SECTION 4. Unlawful disposal. - It shall be unlawful for any person to throw, run, drain, dump, or otherwise dispose into any canal, gutter, estero, creek, river or its tributaries, the Ormoc Bay abutting the city's territorial jurisdiction and/or into the atmospheric air within the City of Ormoc or cause, permit, suffer to be thrown, run, drained, allowed to seep, or otherwise disposed into such canal, gutter, estero, creek, river or its tributaries, the Ormoc Bay abutting the city's territorial jurisdiction and/or into the atmospheric air any refuse, garbage, sewage, or other wastes untreated, or any untreated solid, liquid or gaseous substance, that shall cause or contribute to the pollution of the water of said river or its tributaries, or of the atmospheric air.

SECTION 5. Rules and regulations. - For purposes of the preceding section, the Rules and Regulations of the National Pollution

see [signature]

Control Commission (NPCC) as published in the Official Gazette on June 5, 1978, as regards quality standards, classifications, specifications, and usages of waters, and the maximum allowable discharge of untreated wastes and/or effluents into the atmospheric air, river or its tributaries, creeks, canals and esteros shall be followed and be made applicable thereto.

SECTION 6. Area of establishment. - No industrial establishment, firm, or factory of any kind whatsoever shall be allowed to be established, erected, constructed, built, and/or operated outside the industrial area as provided for in the Comprehensive Zoning Ordinance of Ormoc City: PROVIDED, However, that any factory, industrial firm or establishment which, prior to the effectivity of this Ordinance, has been allowed to be established or operated within the aforesaid zone or area in accordance with the existing Comprehensive Zoning Ordinance, is hereby permitted to continue its operation provided that it shall comply with the other pertinent provisions of this Ordinance.

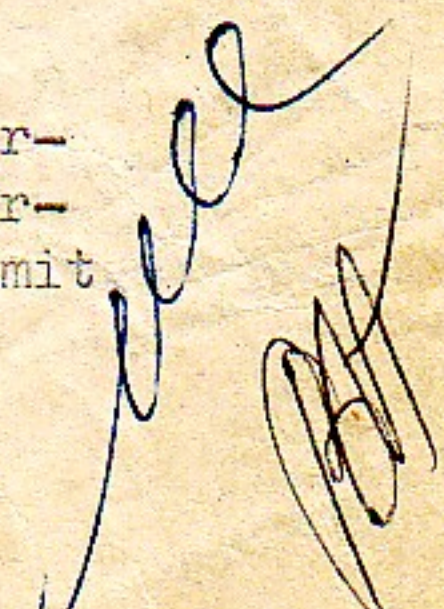
SECTION 7. Permit and/or license prerequisites. - (a) Before the corresponding licenses and/or permits may be issued to new factories, industrial firms or establishments in accordance with the existing Comprehensive Zoning Ordinance, the prospective licensee, permittee or applicant shall be required to submit for approval the pertinent plans and specifications of their pollution control structures or measures to the NPCC, and a clearance certificate from said agency shall accompany the application for such license or permit to the effect that the prospective licensee, permittee or applicant have made provisions for the construction or installation of adequate pollution control structures or measures for their factory site, plant and/or establishment, as the case may be.

(b) Said factories, industrial firms or establishments shall actually install or construct the structures or measures required in the preceding paragraph within a reasonable time but in no case longer than one (1) year from the date of issuance of the permit and/or license, whichever is issued first.

(c) Factories, industrial firms and establishments which are already in existence and have secured the licenses and/or permits mentioned in the first paragraph of this section, are hereby required to provide for, install and construct adequate waste treatment works for their industrial wastes and other wastes within a reasonable time, permitting time for engineering, procurement, fabrication, installation and adjustment: PROVIDED, that in no case shall it be longer than one (1) year from the date of effectivity of this Ordinance, without any further extension.

SECTION 8. The City Mayor; his duty. - It shall be the duty of the City Mayor to inspect and/or investigate personally or through his authorized representative if the factory, industrial firm or establishment mentioned in the preceding section has complied with the required construction and installation of adequate waste treatment works. If after the inspection, investigation and hearing it will be found out that the requirements heretofore mentioned have not been complied with notwithstanding the expiration of the time given, the city license and/or permit shall be revoked or suspended as the case may be.

SECTION 9. Prohibition. - No person shall be allowed or permitted to perform any of the following activities within the territorial jurisdiction of the City of Ormoc unless a written permit



is first obtained from the NPCC for the discharge into the canal, gutter, estero, creek, river or its tributaries, or into the atmospheric air, of industrial waste and other wastes which could cause or contribute to the pollution thereof:

(1) the construction, installation, modification or operation of any sewage works or any extension or additional thereto;

(2) the increase in volume or strength of any wastes in excess of the permissive discharge specified under any existing permit;

(3) the construction, installation, or operation of any industrial or commercial establishments or any extension or modification thereof or addition thereto, the operation of which would cause an increase in the discharge of waste directly into the canal, gutter, estero, creek, river or its tributaries, or into the atmospheric air, or would otherwise alter the physical, chemical or biological properties of the waters or atmospheric air in any manner not already lawfully authorized;

(4) the construction or use of any new outlet for the discharge of any waste, gaseous or liquid, directly into the waters or atmospheric air.

The permit issued by the agency herein mentioned must be put in a conspicuous place wherein the above activities are to be performed in such manner as to be clearly visible and accessible.

SECTION 10. Oil-water separator. - (a) Owners, proprietors and/or managers of establishments or industries handling oil, gasoline and/or its derivatives are hereby required to provide for and install adequate oil-water separator for the treatment of industrial and other wastes which may be discharged into any canal, gutter, estero, creek, river or its tributaries.

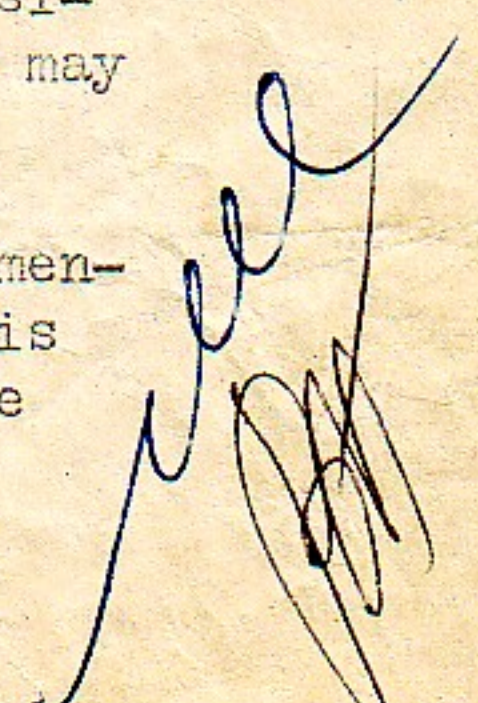
(b) Such oil-water separator and other devices shall conform to the design and specifications as prescribed by the NPCC.

(c) Any article, machine, equipment, device, or contrivance intended as oil-water separator shall, before its installation or operation be registered first with the NPCC and a written permit for its installation and/or operation shall first be obtained from said office. Such permit shall be firmly affixed upon the article, machine, equipment, device, or contrivance, in such manner as to be clearly visible and accessible.

(d) Establishments or industries handling oil, gasoline and/or its derivatives which are already existing and in operation prior to the effectivity of this Ordinance are hereby given a period of one (1) year within which to comply with the provisions hereof.

(e) No city permit and/or license shall be issued nor renewed in favor of any establishment or industry handling oil, gasoline and/or its derivatives unless the oil-water separator as required by this section has been installed or constructed; and permits or licenses so issued or renewed in violation hereof shall be considered null and void, without prejudice to criminal action that may be instituted to the offending party.

SECTION 11. Consultation. - In case of doubt in the implementation of the provisions of sections eight, nine and ten of this Ordinance, the City Mayor shall consult the NPCC and secure the latter's advice and/or recommendation on the matter.



SECTION 12. Issuance of license, permit or privilege. - (a) No city license, permit or privilege shall be issued or granted to any person, corporation or entity for the establishment and construction of any subdivision and/or housing project within the city or any portion thereof unless the former has included a provision for the construction, installation or putting up of adequate drainage and wastes or other effluents handling, containing and treating system for each household: PROVIDED, That before finally issuing or granting such license, permit or privilege, the applicant shall be required to submit the plans and specifications of said system which conform to the minimum requirement for subdivisions as required by the NPCC

(b) The applicant for city license, permit or privilege shall submit at least two (2) copies of the plans and specifications of the system duly approved by the NPCC.

(c) The drainage and wastes or other effluents handling, containing and treating system herein required shall be constructed and completed within one (1) year from the issuance or grant of the license, permit or privilege, which period may be extended by the City Mayor upon request by the applicant: PROVIDED, That no further extension shall be granted longer than another year therefrom.

(d) Subdivisions and/or housing projects already in existence at the time of the enactment of this Ordinance ~~are hereby required~~ to comply with the requirements of this section within one (1) year from the date of effectivity hereof, permitting time for engineering, procurement, fabrication, installation, adjustment and final completion, but in no case shall the completion thereof be longer than two (2) years from the effectivity of this Ordinance.

(e) The City Mayor shall, personally or through his authorized representative, periodically inspect the progress of the construction, installation or putting up of adequate drainage and wastes or other effluents handling, containing and treating system and should he find that the same has not been complied with or has not been completed notwithstanding the lapse of time mentioned above or any extension thereto granted, he shall have the authority to cancel and/or revoke the license, permit or privilege so issued or granted.

SECTION 13. Penalty for violation. - The following penalties shall be imposed for violations of this Ordinance:

(a) For violation of the provisions of Section Four of this Ordinance, a fine of not exceeding one thousand pesos or imprisonment of not more than one year, or both such fine and imprisonment at the discretion of the court.

(b) For performing, suffering or allowing to be performed any of the activities enumerated in Section Nine without the required permit from the NPCC, a fine of not exceeding one thousand pesos.

(c) For failure to comply with and complete the works or structures required in Section Seven, sub-sections (b) and (c); Section Ten, sub-section (d); and Section Twelve, sub-section (c), within the time limits set forth therein, a fine of not exceeding one thousand pesos.

(d) For wilfully making, issuing, possessing or attempting to make, issue or use any forged, invalid, or counterfeit city license or permit for the purpose of evading the requirements of this Ordinance, or falsely or fraudulently represent as valid and in force

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(RES. 1238=ORD. 39, S.P., ORMOC CITY, Page 6)

any license or permit which has been suspended, cancelled or revoked pursuant to this Ordinance, a fine of not exceeding one thousand pesos or imprisonment of not more than one year, or both such fine and imprisonment at the discretion of the court.

The owner/owners or proprietor/proprietors or operator of the business establishment or service station and in case of corporation or company, the general manager, and in case of partnership, the managing partner, shall be responsible and liable for any violation of this Ordinance.

SECTION 14. Separability clause. - In the event that any section, paragraph, sentence, clause or word of this Ordinance, or the application thereof to any person or circumstance is declared unconstitutional or invalid for any reason, the remainder of this Ordinance and the application thereof to other persons or circumstances shall not be affected thereby.

SECTION 15. Repeal. - All ordinances, resolutions, or parts thereof that are inconsistent with the provisions of this Ordinance are hereby repealed or modified accordingly.

SECTION 15. Effectivity. - This Ordinance shall take effect fifteen days after its approval

ENACTED, September 28, 1982.

(Submitted for Public Hearing, September 14, 1982)

"RESOLVED, FURTHER, to furnish a copy of this resolution-ordinance to all concerned, Ormoc City.

"CARRIED UNANIMOUSLY."

I HEREBY CERTIFY to the correctness of the above-

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ATTESTED: ATTESTED:

VICTORIANO L. DE LOYOLA

Kalihin
(Secretary)

APPROVED, FOR THE CITY MAYOR:

JOSE C. IVILES
Vice-Mayor

ATTESTED AS APPROVED:

ROBERTO M. PERITO
Secretary to the City Mayor