

REPUBLIKA NG PILIPINAS
SANGGUNIANG PANLUNGSOD
LUNGSOD NG ORMOC

EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE
FOURTEENTH SANGGUNIANG PANLUNGSOD NG ORMOC HELD
AT THE SANGGUNIANG PANLUNGSOD SESSION HALL,
ORMOC CITY HALL BUILDING
ON FEBRUARY 16, 2017

PRESENT:

Vincent L. Rama,	(OIC-City Vice Mayor & Temporary Presiding Officer)
	SP Member, Asst. Majority Floor Leader
Mario M. Rodriguez	(Temporary Majority Floor Leader),
	SP Member, Presiding Officer "Pro-Tempore"
Tomas R. Serafica,	SP Member
Benjamin S. Pongos, Jr.,	SP Member
Eusebio Gerardo S. Penserga,	SP Member
Gregorio G. Yrastorza III	SP Member
Nolito M. Quilang	SP Member
John Eulalio Nepomuceno O. Aparis II,	SP Member
	Minority Floor Leader
Mariano Y. Corro,	Ex-Officio SP Member
	Chapter President, Liga ng mga Barangay ng Ormoc

ON OFFICIAL BUSINESS:

Rolando M. Villasencio,	(OIC - City Mayor),
	SP Member, Majority Floor Leader

ON LEAVE:

Leo Carmelo L. Locsin, Jr.	Vice Mayor & Presiding Officer
Lea Doris C. Villar	SP Member, Asst. Minority Floor Leader

PREFATORY STATEMENT

WHEREAS, the City Mayor issued an endorsement dated December 01, 2016 to the Office of Sangguniang Panlungsod, requesting for the passage of an ordinance which will require, as a prerequisite to the issuance of business and other permits, that all public and commercial swimming pools and bathing facilities will employ the services of a certified lifeguard, and or other measure(s) related thereto;

WHEREAS, drowning is the 3rd leading cause of unintentional injury death worldwide, accounting for 7% of all injury-related deaths. There are an estimated 372,000 annual drowning deaths worldwide. Global estimates may significantly underestimate the actual public health problem related to drowning. Children, males and individuals with increased access to water are most at risk of drowning. (World Health Organization);

WHEREAS, while drowning takes a large toll around the world, there is some good news: hundreds of thousands of lives are saved every year by trained lifesavers and lifeguards. And even though greater numbers of people now engage in water activities, the drowning rates have not gone up;

WHEREAS, this means that a combination of a growing interest in water safety and better training for lifesavers and lifeguards is in some areas successfully preventing many drownings. (International Life Saving Federation);

Ord. No. 020

WHEREAS, in order to prevent swimming accidents, ensure the safety of pool or resort goers, preserve the state of the readiness of the swimming or bathing area, particularly, in times of emergencies, the provision of lifeguards and lifeguarding equipment by pool or resort owners are indispensable;

WHEREAS, along with the City's progress is the rise of businesses that engaged in tourism related development, such as: in pool or resort ventures, which, may either be, a beach, an inland or mountain resorts, whereby, local or foreign tourists frequently came to relax and enjoy;

WHEREAS, Section 16 of the Local Government Code of 1991 empowers local government unit, particularly, "powers that are considered essential to promote the general welfare" of its constituents, whereby, requiring pool or resort owners of lifeguards and lifeguarding equipment falls within the category;

WHEREFORE, all foregoing premises considered, on motion of SP Member Eusebio Gerardo S. Penserga, Chairman, Committee on Public Safety, severally seconded by SP Members Tomas R. Serafica, Gregorio G. Yrastorza III, Nolito M. Quilang, John Eulalio Nepomuceno O. Aparis II and Mariano Y. Corro; be it

RESOLVED, to enact:

ORDINANCE NO. 020

AN ORDINANCE REQUIRING POOL OR RESORT OWNERS AND SIMILAR BUSINESSES TO PROVIDE DULY CERTIFIED LIFEGUARDS AND LIFEGUARDING EQUIPMENT IN THEIR OPERATION, PROVIDING PENALTIES FOR VIOLATION THEREOF AND OTHER PURPOSES.

BE IT ENACTED, by the 14th Sangguniang Panlungsod ng Ormoc in session assembled, that:

SECTION 1. SHORT TITLE. - This ordinance shall be known as, "Lifeguard Ordinance of Ormoc City."

SECTION 2. DEFINITION OF TERMS. - Terms used in this ordinance are defined as follows:

- a. Beach - refers to an area covered with sand or small rocks that is next to an ocean or lake and other similar bodies of water.
- b. Buoy - refers to a floating object that is anchored to warn of danger or to mark a location.
- c. Children - refer to those pool or resort goers below eleven (11) years old.
- d. Craft - refers to a boat, a barge, a canoe or any water instruments (under this ordinance) that may be used for rescue and emergencies.
- e. Designated area - refers to a swimming or bathing area at the sea fronting beach resort, provided with an adequate number of bouys, wherein boats, bancas and other crafts are prohibited to enter.
- f. Lifeguard or certified lifeguard - refers to a person who supervises the safety and rescue of swimmers, surfers and other water sport participants such as in a swimming pool, water park or beach. They shall be qualified and should have fulfilled the requirements for certification of Philippine Coast Guard (PCG) and Philippine Red Cross (PRC) or Philippine Life Saving (PLS).

- g. Paddle – refers to an implement with a flat blade at one or both ends used to propel a canoe or any craft.
- h. Pole – refers to a long rod, which may either be a bamboo or wood (under this ordinance) used during emergencies.
- i. Pool or swimming pool – refers to any structure, basin, chamber, tank, or any receptacle which is capable of containing an artificial body of water for swimming, diving and or bathing, which have a depth at any point of more than 18 inches.

Such terms shall include, but not limited to a permanent swimming pool, a permanent wading or reflection pool or a permanent hot tub or spa.

- j. Public pool – refers to any swimming pool, plunge pool, spa pool, tank or similar structure with the primary purpose of holding a person(s) that include school pool, council pool, subdivision club house pools and commercially operated pools, including, but not limited to hotels, motels and other places of accommodation, fitness centers, gymnasiums, and whether or not the primary purpose of the premises is the operation of a public but does not include pools in conjunction with private residential accommodation.
- k. Resort – refers to a place frequented by people for relaxation or recreation, attracting visitors for vacations and or tourism.
- l. Spa – refers to a pool designed for recreational or therapeutic use or physiological or relaxation that is not drained, cleaned and refilled for each user.

Such pool includes, but not limited to hydroject circulation, hot water or cold water mineral baths, air induction bubbles, or any combination thereof. Common terminology for spa includes therapeutic pool, hydro-therapy pool, whirlpool, hotspa or hottub.

- m. Skis – refer to a pair of long narrow pieces of wood, metal or plastic that curve upward slightly in-front, attached to a shoes used for gliding over a snow or water.
- n. Spinal board – refers to a device (under this ordinance) is used by lifeguards, primarily, to provide support for patient who is suffering from spinal injuries.
- o. Wading pool – refers to any special purpose pool or receptacle set primarily for the use of children.
- p. Water park – refers to an amusement park featuring swimming pools, water slides, wave pools, fountains or other attraction involving water.

SECTION 3. SCOPE OF APPLICATION. – This ordinance shall be applicable on the following:

- a. Owners and operators of public swimming pools, including subdivision pools, resorts, water parks, spas, wading pools;
- b. Owners and operators of beach resorts. and
- c. Owners and operators of all other similar structures and accommodations that provide bathing and recreational facilities, except private residential swimming pools.

SECTION 4. REQUIREMENTS. – As pre-requisite for the issuance of business permits, beach or resort owners are required to provide for the following:

- a. Equipment for rescue, such as craft, paddle, skis, pole, lifebuoy, spinal boards.
- b. Accessories or equipment for first responders, such as saline solution, bandages, antiseptic, antihistamines, oxygen kits, splints, rescue blankets and first aid kits.
- c. Sufficient signage at the strategic areas that warn customers or tourists of the hazards and danger posed.
- d. Adequate provision of buoys along the swimming or bathing area of the beach or resort.
- e. Other instruments that would catch public attention, such as, but not limited to portable chair or watch tower, flags, whistles, and the like.
- f. Certification of employment of certified lifeguard(s) who is responsible over the area at the beach or resort. Each lifeguard employed shall wear an identified uniform.
- g. All resort shall provide the services of a sufficient number of lifeguards. There should be one (1) lifeguard for every twenty (20) meters of length of beach coast line.

SECTION 5. FUNCTIONS OF CDRRMO. – The City Disaster Risk Reduction and Management Office (CDRRMO) shall issue a certification of compliance with the afore-cited requirements, which shall also be the basis for the issuance of business permits.

Notwithstanding the issuance of business permits, the CDRRMO shall recommend to the Permits and Licensing Office for the suspension of business permits of a certain business entity after finding (in a regular inspection) that it is not complying with any of the afore-cited mandated requirements. Nevertheless, after compliance, the Permits and Licensing Office shall renew the permits of the same business entity.

CDRRMO is also tasked to have a regular inspection of public swimming pools, including subdivision pools, resorts, water parks, spas, wading pools, and all other similar structures and accommodations that provide bathing and recreational facilities, except private residential swimming pools and recommend for penalties if incurred.

SECTION 6. PUNISHABLE ACTS. – The following acts are punishable under this ordinance:

- a. At no time shall any pool, beach or resort, water park, spa or wading pool be made open without a certified lifeguard and lifeguarding equipment;
- b. Owners and operators of public swimming pools, including subdivision pools, resorts, water parks, spas, wading pools, and all other similar structures and accommodations that provide bathing and recreational facilities, except private residential swimming pools shall not allow children below eleven (11) years old without adult companion; and
- c. Swimming shall not be allowed beyond 7:00 o'clock in the evening, unless certified lifeguards on duty are present and lightings are adequately provided.

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SECTION 7. PENALTY. - Pool or Resort Owners found violating the provisions of Section 6 of this Ordinance shall incur a fine of not exceeding Five Thousand Pesos (P5,000.00) at the discretion of the court. The violator shall opt to pay an Administrative Fine of Two Thousand Pesos (P2,000.00) at the City Treasurers Office and the same shall issue a corresponding Official receipt. The business license shall be revoked if the violator fails to pay the appropriate fine and continues to violate the ordinance.

SECTION 8. SEPARABILITY CLAUSE. - If any provision/s or portion/s of this ordinance is held invalid or unconstitutional, other provisions which are not affected thereby shall remain in force and effect.

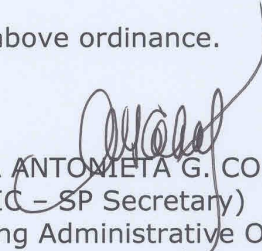
SECTION 9. EFFECTIVITY CLAUSE. - This Ordinance shall take effect after Fifteen (15) days after its publication in a local newspaper of general circulation and posted in at least two (2) conspicuous public places in Ormoc City for three (3) consecutive weeks.

ENACTED, February 16, 2017.


RESOLVED, FURTHER, to furnish copies of this Ordinance each to the City Mayor Richard I. Gomez; the City Administrator, Mr. Vincent L. Emnas; the OIC-City Legal Officer, Atty. Marcelo C. Oñate; the City Treasurer; the City Health Department; the CDRMO; the Business Permits, Licensing & Franchising Office; the City Auditor; the OIC-City Director, DILG; All Owners/Operators of Resorts/Commercial Swimming Pools in Ormoc City; and other offices concerned;

CARRIED UNANIMOUSLY.

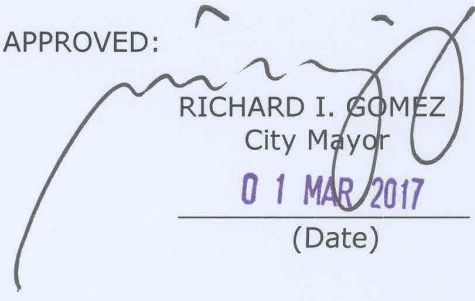
I HEREBY CERTIFY to the correctness of the above ordinance.


MARIA ANTONIETA G. CO HAT
(OIC - SP Secretary)
Supervising Administrative Officer

ATTESTED:


VINCENT L. RAMA
(OIC - City Vice Mayor & Temporary Presiding Officer)
SP Member, Asst. Majority Floor Leader

APPROVED:


RICHARD I. GOMEZ
City Mayor

01 MAR 2017

(Date)