



OFFICE OF THE SANGGUNIANG PANLUNGSOD

Tel. No. (075) 654-0165

EXCERPT TAKEN FROM THE MINUTES OF THE REGULAR SESSION OF THE SANGGUNIANG PANLUNGSOD OF THE CITY OF ALAMINOS, PANGASINAN HELD ON SEPTEMBER 4, 2009.

PRESENT:	HON. CIRILO B. RADOC, CPA, LL.B.	- ACTING PRESIDING OFFICER
	Hon. Carolyn D. Sison	- Member
	Hon. Earl James C. Aquino	- -do-
	Hon. Constante R. Carasi, M.D.	- -do-
	Hon. Orlando "Ang Panday" R. Go	- -do-
	Hon. Oscar A. Boling, C.E.	- -do-
	Hon. Filemon R. Bacala, Jr.	- -do-
	Hon. Helen B. Bumagat, LBP	- Ex-Officio Member
ABSENT:	HON. CITY VICE MAYOR TEOFILO G. HUMILDE, JR.	- On Official Business
	Hon. Joselito O. Fontelera	- On Official Business
	Hon. Ma. Angela A. Braganza	- On Official Business
	Hon. Joseph T. Bacay	- On Official Business
	Hon. Gemarie C. Rabadon, SKP	- On Official Business

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ORDINANCE NO. 2009-05

ZERO WASTE ORDINANCE OF THE CITY OF ALAMINOS.

WHEREAS, the city is committed to the protection, preservation and conservation of the ecosystem; and to ensure protection of public health and environment;

WHEREAS, the unsystematic waste disposal by households and commercial/industrial establishments, agricultural farmers, causes unsightly surroundings, polluted environment and spread of communicable diseases;

WHEREAS, the practice of waste segregation to facilitate reuse and recycling does not only reduce the cost of collection and disposal of garbage but conserves the natural sources of materials and avoid wasteful consumption of goods;

WHEREAS, waste disposal practices contribute directly and indirectly to the information and release of greenhouse gases that are propelling climate change and causing extreme weather disturbances, among other ill effects;

WHEREAS, concerted and expanded efforts by citizens, business, government and the entire society to prevent, reduce, recycle, reuse and compost discards can cut waste disposal costs and emissions, while providing health, environmental and livelihood benefits;

WHEREAS, the City of Alaminos considers Zero Waste as the preferred option for managing discards that offers enormous potentials for realizing the city's vision of "environmentally-sensitive growth with equity," while enhancing the health and safety of its citizens and the natural systems;

WHEREAS, the City of Alaminos has a distinguished mission of "setting standards in good governance, serving as an architect of holistic development, an integrator of development initiatives and provider of opportunities to the broadest segments of its constituents";

WHEREAS, the City of Alaminos aspires to join the growing league of jurisdictions worldwide that seeks to advance real solutions to the toxic woes from mismanaged discards by applying the precautionary principle and working towards Zero Waste.



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NOW, THEREFORE,

Be it enacted by the City Council, That:

ARTICLE I

TITLE OF ORDINANCE

SECTION 1. **TITLE OF ORDINANCE** – This ordinance shall be known as the “**ZERO WASTE ORDINANCE OF THE CITY OF ALAMINOS**” and shall be hereinafter referred to as the “Ordinance”.

ARTICLE II

COVERAGE

SECTION 2. This Ordinance shall apply to all residential houses; commercial establishments such as hotels, restaurants, cinema houses, public and private markets, malls, department stores, groceries, institutions like hospitals, schools, churches, public and private offices, industrial establishments like factories, plants, rice mills and other establishments of any kind; and agricultural areas.

ARTICLE III

AUTHORITY AND PURPOSE/GOALS

SECTION 3. **AUTHORITY** – This ordinance is enacted to supplement the provisions of existing laws and ordinances related to ecological solid waste management.

SECTION 4. **PURPOSE** – This ordinance is enacted for the following purposes:

- a. To guide, control and regulate the generation, storage, collection, transportation and disposal of solid wastes within the city and promote an orderly and sanitary system for the same, and adopt a systematic, comprehensive and ecological solid waste management program.
- b. To enhance the total environment of the locality through the necessary control and mitigation of negative environmental impacts of solid wastes.
- c. To promote and protect the public and environment, health, safety, peace and convenience and general welfare of the inhabitants of the city.
- d. Institutionalize public participation in the development and implementation of the City's integrated, comprehensive and ecological waste management programs.
- e. Ensure the proper segregation, collection, transport, storage, treatment and disposal of solid waste through the formulation and adoption of the best environmental practices in ecological waste management excluding incineration.
- f. Encourage greater private participation in solid waste management.
- g. To minimize generation of solid waste possible resource recovery/recycling and utilization by:

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- Maximizing the use of goods and consumption of foods;
- Allocating fair inputs in the production of goods, foods and services;
- Encouraging the salvaging of possible "recoverable" from solid wastes for re-use and/or recycling back to production process;
- Providing assistance and cooperation in the recycling of solid wastes in disposal sites.

SECTION 5. GOAL – The primary goal of this ordinance is to enhance ecological balance of the city through sustainable and integrated waste management.

SECTION 6. OBJECTIVES – The objectives of this Ordinance are the following:

- a. To ensure round-the-clock cleanliness through orderly and waste management.
- b. To cease and desist from utilization of open garbage dumps which serve as breeding places of insects causing diseases, foul odors and harmful fumes; emit "greenhouse gases" which contribute to global warming and thinning of the ozone layer; generate "leachate" which pollute soil and water resources; and creates unhealthy scavenging activities in the vicinity.
- c. To eradicate unsightly, uncovered, unsegregated and overflowing waste containers in streets, public places, and open spaces.
- d. To support and encourage at home or backyard composting to achieve volume reduction wastes collected.
- e. To promote eco-friendly products and packaging materials to reduce dependence and generation of problematic materials like single-use plastic bags and containers.
- f. To maximize and optimize sanitary resource recovery for feeds, fuel, materials, energy, etc.
- g. To minimize pollution arising from harmful gases, smoke, and particulates produced by needless burning/dumping; polluted runoffs into water sources/supply; and hazardous substances.
- h. To utilize environmentally sound methods that maximize the utilization of valuable resources and encourage resources conservation and recovery.

ARTICLE IV

DEFINITION OF TERMS

SECTION 7. TECHNICAL TERMS – The technical terms used in this ordinance shall be defined/referred as follows:

1. **AGRICULTURAL WASTE** – refers to waste generated from planting or harvesting of crops, trimming or pruning of plants and wastes or run-off materials from farms or fields.
2. **BIODEGRADABLE** – any material that can be reduced into finer particles (degraded or decomposed) by microbiological organisms or enzymes (synonymous with compostable).
3. **BIOGAS DIGESTER** – are of two kinds: the "poso-negro" Taiwan type or the aboveground portable Valderia model.

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4. **BULKY WASTES** - refers to waste materials, which cannot be appropriately placed in separate containers because of either its bulky size, shape or other physical attributes. These include large worn-out or broken household, commercial, and industrial items such as furniture, lamps, bookcases, filing cabinets, and other similar items.
5. **BUY-BACK CENTER** - refers to a recycling center that purchases or otherwise accepts recyclable materials from the public for the purpose of recycling such materials.
6. **COLLECTION** - refer to the Ordinance of removing solid waste from the source or from a communal storage point.
7. **COMPOST** - decayed organic material for use as soil conditioner or fertilizer.
8. **COMPOSTING** - biological degradation under controlled conditions; the process of making biodegradable items such as food waste, animal waste, waste, into compost by mixing them with soil, water, biological additives/activators (optional) and air.
9. **CONSUMER ELECTRONICS** - refers to special wastes that include worn-out, broken, and other discarded items such as radios, stereos, and TV sets.
10. **DEPARTMENT** - refers to the Department of Environment and Natural Resources.
11. **DISPOSAL** - refers to the discharge, deposit, dumping, spilling, leaking or placing of any solid waste into or in any land.
12. **DISPOSAL SITE** - refers to a site where solid waste is finally discharged and deposited.
13. **DOMESTIC WASTE** - is the refuse from households as distinguished from industrial waste, agricultural waste, hospital waste, etc. which may be classified as biodegradable (compostable) or non-biodegradable (non-compostable).
14. **ECOLOGICAL SOLID WASTE MANAGEMENT** - refers to the systematic administration of activities, which provide for segregation at source, segregated transportation, storage, transfer, processing, treatment, and disposal of solid waste and all other waste management activities, which do not harm the environment.
15. **ENVIRONMENTALLY ACCEPTABLE** - refers to the quality of being re-usable, biodegradable or compostable, recyclable and not toxic or hazardous to the environment.
16. **ENZYMES** - a protein produced by cells, with substances to initiate or accelerate chemical reactions in plants or animal matter, acting like an organic catalyst.
17. **FACTORY RETURNABLE** - all non-biodegradable, non-compostable such as tin cans/metals; bottles/glass including broken pieces, plastic/styrofoam/rubber/dry paper /dry cardboard/dry cloth/fiber/leather/feather/hard shells/hard bones, etc. which are segregated in separate containers or place in one sack (cans, bottles, containers already rinsed) and are sold/given away to collectors.
18. **FEED MATERIAL** - all food wastes, peelings, veggie trims, fish entrails, fowl innards, spoiled fruits, leftovers, egg shells, rice/fish/meat washings, etc. that should be collected and kept in covered containers as hog/chicken/duck/pets/fish feeds.
19. **FERMENTABLE** - fruit peelings, spoiled or over-ripe fruits, juices e.g. buko juice, etc. is made into vinegar, wine or "nata-de-coco", "nata-de-pena", etc.
20. **FERTILIZER MATERIALS** - all compostables or biodegradable such as garden waste, (leaves, twigs, weeds), animal waste (manure carcasses), human waste (feces, urine, blood, all excrete, soiled wipes, pads, diapers (remove plastic portions) etc., are made into compost for organic gardening.

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21. **FINE CRAFTS** - many of the non-biodegradable could be used as materials for handicrafts, cottage industries, art works, toys and other livelihood projects such as paper mach, paper basketry, tin craft, plastic twine or rope braids, feather crafts, wooden crafts, even "lahar" craft. Styrofoam melted in small amount of gasoline solvent provides cheap glue of "binder" for many of the projects.
22. **FOOD MATERIAL** - include certain kinds of seeds, pulp, peelings, that are made into pickles, "sweets" or candies, or snacks.
23. **FUNCTIONAL FACILITIES/EQUIPMENT** - useful equipment/facilities devised or created from discards, throwaways, junks, craps, e.g. chairs, table, doormats, play equipment from rubber tires, roofing from milk cans, flower pots, "planter" from plastic bags, sacks, containers, etc.
24. **GENERATION-** refers to the Act or process of producing solid waste.
25. **GENERATOR** - refers to a person, natural or juridical, who last uses a material and makes it available for disposal or recycling.
26. **GREEN CHARCOAL** - another form of fuel or grass charcoal, manufactured from comfortable, organic, cellulite material with the use of enzymes to breakdown the lining or binding material, after which is molded and, dried then used in charcoal-fed stoves.
27. **HAZARDOUS WASTE** - special types of waste containing the chemical, biological, and radiological elements, which are harmful to human health.
28. **INCINERATION** - the controlled process by which combustibles wastes are burned changes into gasses and residues that contains little or no combustible material.
29. **LANDFILL LEACHATE** - the downward seeping of water through the landfill carrying with it the dissolved water-soluble contents of the waste, which may be collected by the underground drainage of water system.
30. **LEACHATE** - refers to the liquid produced when waste undergo decomposition, and when water percolate through solid waste undergoing decomposition. It is contaminated liquid that contains dissolved and suspended materials.
31. **MATERIALS RECOVERY FACILITY** - includes a solid waste transfer station or sorting station, drop-off center, a composting facility, and a recycling facility.
32. **OPEN DUMP** - refers to a disposal area wherein the solid wastes are indiscriminately thrown or disposed of without due planning and consideration for environmental and health standards.
33. **OPPORTUNITY TO RECYCLE** - refers to the Ordinance of providing a place for collecting source-separated recyclable material, located either at a disposal site or at another location more convenient to the population being served, and collection of at least once a month of source-separated recyclable material from collection service customers and to providing a public education and promotion program that gives notice to each person of the opportunity to recycle and encourage source separation of recyclable material.
34. **POST-CONSUMER MATERIALS** - refers only to those materials or products generated by a business or consumer, which have served their intended end use, and which have been separated or diverted from solid waste for the purpose of being collected, processed and used as a raw material in the manufacturing of recycled product, excluding materials and by-products generated from, and commonly used within an original manufacturing process, such as mill scrap.

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35. **RECEPTACLES** – refers to individual containers used for the source separation and the collection or recyclable materials.
36. **RECOVERED MATERIALS** – refers to the material and by-products that have been recovered or diverted from solid waste for the purpose of being collected, processed and used as a raw material in the manufacture of a recycled product.
37. **RECYCLABLE MATERIAL** – refers to any waste material retrieved from the waste stream and free from contamination that can still be converted into suitable beneficial use or for other purposes, including, but not limited to newspaper, ferrous scrap metal, non-ferrous scrap metal, used oil, corrugated cardboard, aluminum, glass, office paper, tin cans and other materials as may be determined by the Commission.
38. **RECYCLING** – refers to the treating of used or waste materials through a process of making them suitable for beneficial use and for other purposes, and includes any process by which solid waste materials are transformed into new products in such a manner that the original products may lose their identity, and which may be used as raw materials for the production of other goods or services: Provided, that the collection, segregation and re-use of previously used packaging material shall be deemed-recycling under this Ordinance.
39. **RECYCLED MATERIAL** – refers to post-consumer material that has been recycled and returned to the economy.
40. **RESOURCE RECOVERY** – refers to the collection, extraction or recovery of recyclable materials from the waste stream for the purpose of recycling, generating energy or producing a product suitable for beneficial use: Provided, that such resource recovery facilities exclude incineration.
41. **RE-USE** – refers to the process of recovering materials intended for the same or different purpose without the alteration of physical and chemical characteristics.
42. **SANITARY LANDFILL** – refers to a waste disposal site designed, constructed, operated and maintained in a manner that exerts engineering control over significant potential environmental impacts arising from the development and operation of the facility.
43. **SCHEDULE OF COMPLIANCE** – refers to an enforceable sequence of actions or operations to be accomplished within a stipulated time frame leading to compliance with a limitation, prohibition, or standard set forth in this Ordinance or any rule or regulation issued pursuant thereto.
44. **SECRETARY** – refers to the Secretary of the Department of Environment and Natural Resources.
45. **SEGREGATION** – refers to a solid waste management practice of separating different materials found in solid waste in order to promote recycling and re-use of resources and to reduce the volume of waste for collection and disposal.
46. **SEGREGATION AT SOURCE** – refers to a solid waste management practice of separating, at the point of origin, different materials found in solid waste in order to promote recycling and re-use of resources and to reduce the volume of waste for collection and disposal.
47. **SOLID WASTE** – refers to all discarded household, commercial waste, non-hazardous institutional and industrial waste, street sweepings, construction debris, agricultural waste, and other non-hazardous/non-toxic solid waste.

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48. **SOLID WASTE MANAGEMENT** – refers to the discipline associated with the control of generation, storage, collection, transfer and transport, processing, and disposal of solid wastes in a manner that is in accord with the best principles of public health, economics, engineering, conservation, aesthetics, and other environmental consideration, and that is also responsive to public attitudes.
49. **SOLID WASTE MANAGEMENT FACILITY** – refers to any resource recovery system or component thereof; any system, program, or facility for resource conservation; any facility for the collection, source separation, storage, transportation, transfer, processing, treatment, or disposal of solid waste.
50. **SOURCE REDUCTION** – refers to the reduction of solid waste before it enters the solid waste stream by methods such as product design, materials substitution, materials re-use and packaging restrictions.
51. **SOURCE SEPARATION** – refers to the sorting of solid waste into some or all of its component parts at the point of generation.
52. **SPECIAL WASTE** – refers to household hazardous wastes such as paints, thinners, household batteries, lead-acid batteries, spray canisters and the like. These include wastes from residential and commercial sources that comprise of bulky wastes, consumer electronics, white goods, yard wastes are usually handled separately from other residential and commercial wastes.
53. **STORAGE** – refers to the interim containment of solid waste after generation and prior to collection for ultimate recovery or disposal.
54. **TRANSFER STATION** – refers to those facilities utilized to receive solid wastes, temporarily store, separate, convert, or otherwise process the materials in the solid wastes, or to transfer the solid wastes directly from smaller to larger vehicles for transport. This term does not include any of the following.
 - a. A facility whose principal function is to receive, store, separate, convert, or otherwise process in accordance with national minimum standards, manure.
 - b. The operations premise of a duly licensed solid waste handling operation that receives, store, transfers or otherwise processes wastes as an activity incidental to the conduct of a refuse collection and disposal business.
56. **WASTE DIVERSIONS** – refers to activities, which reduce or eliminate the amount of solid waste sent to disposal facilities.
57. **WHITE GOODS** – refers to large worn-out or broken household, commercial, and industrial appliances such as stoves, refrigerators, dishwashers, and clothes washers and dryers collected separately. White goods are usually dismantled for the recovery of specific materials (e.g. copper, aluminum, etc.); and
58. **YARD WASTE** – refers to wood, small or chipped branches, leaves, grass clippings, garden debris, vegetables residue that is recognizable as part of a plant or vegetable and other materials identified by the Board.
 - Bio-degradable-compostable-putrescible, there are four (4) groups of waste under this category such as:
 - a. **Food (cooking) waste/kitchen waste:** peelings, leftovers, vegetable trims, fish/fowl/meat/animal entrails/innards/cleanings, soft shells, seeds etc.;
 - b. **Agricultural (garden) waste:** leaves/flowers, twigs, branches, stems, roots, trimmings, weeds, seeds/inedible fruits, etc.;
 - c. **Animal waste:** manure/urine, carcasses, etc.; and

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- d. **Human waste:** excreta, soiled pads, sanitary napkins, etc.
- Non-biodegradable-compostable-putrescible. There are ten (10) groups of waste under this category:
 - a. **Metals:** tin cans, aluminum, iron, lead, copper, silver, etc.;
 - b. **Glasses:** bottles, cullet (broken glass), sheets (shards), mirrors, bulbs, etc.;
 - c. **Plastics:** polyethylene (bags), polypropylene (straws/jute sacks/containers, polyurethane (foam, mattresses), polystyrene (styrofoam), polyvinyl (tubes, pipes, linoleum), polyacetate (fiber, cloth, rayon), etc.;
 - d. **Rubber (natural and synthetic):** tires, goods, etc.;
 - e. **Papers:** dry papers, cardboards, etc.;
 - f. **Dry processed fibers:** cloth, twine, hair, etc.;
 - g. **Dry leathers:** skin, feathers, etc.;
 - h. **Hard shells:** hides, bones;
 - i. **Bones:** and
 - j. **Rocks, ceramics;**
 - k. **Post:** construction, forest products such as wood, rattan, and bamboo.

ARTICLE V

SECTION 8. CITY SOLID WASTE MANAGEMENT BOARD - The City Solid Waste Management Board shall prepare, submit and implement a plan for the safe and sanitary management of solid waste generated in areas within the territorial jurisdiction of the City.

The City Solid Waste Management Board shall be composed of the City Mayor as head with the following as members:

- a. two representative of the Sangguniang Panlungsod, preferably chairpersons of the Committee on Environment and Common Health, who will be designated by the presiding officer;
- b. president of the Association of Barangay Councils in the City;
- c. chairperson of the Sangguniang Kabataan Federation;
- d. a representative from NGO'S whose principal purpose is to promote recycling and the protection of air and water quality;
- e. a representative from the recycling industry;
- f. a representative of each concerned government agency possessing relevant technical and marketing expertise as may be determined by the Board;
- g. representative from the General Services Offices (GSO);

The City Solid Waste Management Committee may, from time to time, call on any concerned agencies or sectors, as it may deem necessary.

Provided, that representative from the NGO'S, recycling and manufacturing or packaging industries shall be selected through a process designed by themselves and shall be endorsed by the government agency representatives of the Board.



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The City Solid Waste Management Board shall have the following duties and responsibilities:

1. Develop the City Solid Waste Management Plan that shall ensure the long-term management of solid waste, as well as integrate the various solid waste management plans and strategies of the barangays in its area of jurisdiction. In the development of the Solid Waste Management Plan, it shall conduct consultations with the various sectors of the community;
2. Adopt measures to promote and ensure the viability and effective implementation of solid waste management programs in its component barangays;
3. Monitor the implementation of the City Solid Waste Management Plan through its various political subdivisions and in cooperation with the private sector and the NGO'S;
4. Adopt specific revenue generating measures to promote the viability of its Solid Waste Management Plan;
5. Convene regular meetings for purposes of planning and coordinating the implementation of the solid waste management plans of the respective component barangays;
6. Oversee the implementation of the City Solid Waste Management Plan;
7. Review every two (2) years or as the need arises the City Solid Waste Management Plan for purposes of ensuring its sustainability, viability, effectiveness and relevance in relation to local and international developments in the field of solid waste management;
8. Develop the specific mechanics and guidelines for the implementation of the City Solid Waste Management Plan;
9. Recommend to appropriate local government authorities specific measures or proposal for franchise or build-operate-transfer agreements with duly recognized institutions, pursuant to R.A. 6957, to provide either exclusive or non-exclusive authority for the collection, transfer, storage, processing, recycling or disposal of municipal solid waste. The proposals shall take into consideration appropriate government rules and regulations on contracts, franchises and build-operate-transfer agreements;
10. Provide the necessary logistical and operational support to the barangays in consonance with the Local Government Code;
11. Recommend measures and safeguards against pollution and for the preservation of the natural ecosystem; and
12. Coordinate the efforts of its component barangays in the implementation of the City Solid Waste Management Plan.

It shall be the duty of the CSWMB to assist Barangay in their Solid Waste Management, where the Barangay cannot financially or adequately manage all waste segregation, sorting, recovery, recycling and composting.

The City shall assist the Barangay either financially, technically or in any manner deemed necessary in order to achieve the Waste Management Program. Provided, that within 45 days of the effectivity of this ordinance, the Liga ng mga Barangay shall assess and thereby determine, those Barangay requiring assistance from the City, shall subsequently inform the CSWMB of its findings.

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The City Solid Waste Management Board may, from time to time, call on any concerned agencies or sectors, as it may deem necessary.

Representatives from the NGO's, recycling and manufacturing or packaging industries shall be selected through a process designed by themselves and shall be endorsed by the government agency representatives of the Board.

SECTION 8-A. BARANGAY SOLID WASTE MANAGEMENT COMMITTEE

The Barangay SWM Committee shall have the following functions and responsibilities:

- a. Formulate solid waste management program consistent with city municipality plan;
- b. Segregation and collection of biodegradable, compostable, reusable wastes;
- c. Establish materials recovery facility;
- d. Allocate Barangay funds; look for sources of funds;
- e. Organize core coordinators;
- f. Submit monthly report to the city.

MEMBERSHIP OF THE BARANGAY SOLID WASTE MANAGEMENT COMMITTEE

The Barangay SWM Committee shall be composed of the Barangay Captain as chairman with the following as members:

- a. One (1) Kagawad
- b. SK Chairman
- c. Presidents of Home Owners Association
- d. Public/Private school principals or representative
- e. One (1) Parents and Teachers Association president or representative
- f. One (1) Religious organization representative
- g. One (1) Bus Community Representative
- h. One (1) Environmental NGO representative
- i. President of Market Vendors Association; One (1) representative from junkshop owners' association.

SECTION 9. ESTABLISHMENT OF MULTI-PURPOSE ENVIRONMENT COOPERATIVES OR ASSOCIATIONS IN EVERY BARANGAY- Multi-purpose cooperatives and associations that shall undertake activities to promote the implementation and/or directly undertake projects in compliance with the provisions of this Ordinance shall be encouraged and promoted in every Barangay. The CSWMB may request the CGSO, DENR and DTI, through their appropriate bureaus for technical assistance and advisory guidance to any interested Barangay including to set up the multi-purpose environmental cooperatives or associations.

SECTION 9-A. IMPLEMENTATION OF THE ECOLOGICAL SOLID WASTE MANAGEMENT

OVERALL POLICY

It shall be the overall policy of the City to strictly implement the provisions of

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the Rules and Regulations of this Ordinance. The implementation of the ecological solid waste management shall fundamentally take into account the management of waste in the following hierarchy:

- a. Source reduction/minimization of wastes generated at source;
- b. Resource recovery, the cycling and re-use of wastes at the Barangay;
- c. Efficient collection, proper transfer and transport of wastes by city/barangay; and
- d. Efficient management of residuals and of final disposal sites and/or any other related technologies for the destruction/re-use of residuals.

SECTION 9-B. IMPLEMENTATION OF THE ECOLOGICAL SOLID WASTE MANAGEMENT SYSTEMS

The City government (CSWMB) shall be primarily responsible for the implementation and enforcement of the ecological solid waste management systems within the City.

Waste segregation and collection shall be conducted at the Barangay level specifically for biodegradable/compostable and reusable/recyclable wastes. The collection and disposal of non-recyclable/non-recoverable materials and special waste shall be the responsibility of the city.

SECTION 9-C. WASTE SEGREGATION AT SOURCE

WASTE SEGREGATION AND VOLUME REDUCTION AT SOURCE

Volume reduction at the source shall be the first priority of the ecological SWM system. The City shall actively promote among its constituencies the reduction and minimization of waste generated at source; responsibility for sorting and segregation of biodegradable and non biodegradable wastes shall be at the household level and all other sources.

SECTION 9-D. MINIMUM REQUIREMENTS FOR SEGREGATION AND VOLUME REDUCTION

The following shall be the minimum requirements for segregation and storage of solid waste pending collection:

- a. There shall be a separate container/plastic bags for each type of waste from all sources. For bulky waste, it will suffice that the same be collected and placed in separate container/plastic bags and in designated areas;
- b. The solid container depending on its use shall be properly marked or identified for on-site collection as "compostable", "recyclable" or "special waste", or any other classification as may be determined by the CSWMB;
- c. For premises containing six (6) or more residential units, the CSWMB shall promulgate rules and regulations requiring the owner or person in charge of such premises to:

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1. Provide for the residents a designated area and containers in which to accumulate source separated recyclable materials to be collected by the Barangay/General Services Office (GSO) or private collector;
2. Notify all workers, employees, and entities working in the premises of the requirements of this Ordinance and the regulations promulgated pursuant thereto; and
3. No scavenging or unauthorized collection in designated segregation containers or areas shall be allowed.

SECTION 10. LOCAL GOVERNMENT SOLID WASTE MANAGEMENT PLANS- The city, through its local waste management boards, shall prepare its respective 10 years solid waste management plans consistent with the national solid waste management framework: Provided, that the waste management plan shall be for the re-use, recycling and composting of wastes generated within the jurisdictions: Provided, further, that the solid waste management plan of the City shall ensure the efficient management of solid waste generated within its jurisdiction. The plan shall place primary emphasis on the implementation of all feasible re-use, recycling and composting programs while identifying the amount of landfill and transformation capacity that will be needed for solid waste which cannot be re-used, recycled, or composted. The plan shall contain all the components provided in this ordinance and timetable for the implementation of the solid waste management program in accordance with the National Framework and pursuant to the provisions of Ecological Solid Waste Management Ordinance (RA 9003) of 2000. Provided, finally, that it shall be reviewed and updated every year by the City Solid Waste Management Board.

The City solid waste management plans shall be consistent with the national framework and in accordance with the provisions of RA 9003 and of the policies set by the Commission.

SECTION 11. ESTABLISHING MANDATORY SOLID WASTE DIVERSION - The City plan shall include an implementation schedule which shows that within five (5) years after the effectivity of this Ordinance; the City shall divert at least 25% of all solid waste from waste disposal facilities through re-use, recycling, and composting activities and other resource recovery activities: Provided, that the waste diversion goals shall be increased every three (3) years thereafter: Provided, further, that nothing in this Section prohibits a City Government and Barangay from implementing re-use, recycling, and composting activities designed to exceed the goals.

SECTION 12. MANDATORY SEGREGATION OF SOLID WASTES - The City shall evaluate alternative roles for the public and private sectors in providing collection services, type of collection system, or combination of systems, that best meet their needs: Provided, that segregation of wastes shall primarily be conducted at the source, to include household, institutional, industrial, commercial and agricultural sources: Provided, further, that waste shall be segregated into the categories provided in this Ordinance.

For premises containing six (6) or more residential units, the CSWMB shall promulgate regulations requiring the owner or person in charge of such premises to:

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- a. Provide for the residence a designated area and containers in which to accumulate source separated recyclable materials to be collected by the city or private center; and
- b. Notify the occupants of such buildings of the requirements of this Ordinance and the regulations promulgated pursuant thereto.

ARTICLE VI

WASTE GENERATION AND STORAGE

SECTION 13. RESIDENTIAL AREAS

- a. Residents shall learn the two (2) kinds of waste: biodegradable or compostable and non-biodegradable/non-compostable. These two kinds shall be stored and segregated at the site or place where they are generated.
- b. The concerned resident shall ensure that the generated solid waste shall be properly separated in three (3) enclosed containers for recoverable, leftovers/compostables and others. The leftovers or kitchen refuse shall directly given to the animals as feeds or stored temporarily for composting and/or biogas production.
- c. Residents shall choose proper containers such as cans, sacks, bags, bins, etc.; that will facilitate sanitary, efficient handling, storage, collection, transport or disposal at least cost. Food waste shall be placed in covered cans or pails.
- d. Public thoroughfares and grounds in front or in the vicinity of residential houses shall be kept clean and tidy by the owner/lessee of the house or building at all times.
- e. Trees, shrubs and other vegetation within the vicinity of residences shall be regularly cared for and maintained to minimize generated wastes/yard wastes and unpleasant sight.

SECTION 14. COMMERCIAL AREAS (including markets/agoras):

- a. The storage containers for segregated commercial wastes shall be communal or individual with cover depending on its location for collection and transport process.
- b. The enclosed communal receptacle possibly on wheels shall be located along the collection route where the generated wastes shall be brought and stored by the stall lessee.
- c. The lobby and fronting sidewalks/immediate grounds of commercial establishments shall be maintained clean and presentable by the owner/operator/lessee of the establishments (shops, stalls, stores, restaurants, cateries, billiard halls, folk houses, beer gardens, discos, cocktail lounges, dancing halls, cabarets, bistros, etc.).
The fronting sidewalks and immediate areas of stalls/open spaces of markets shall be kept clean and orderly by the lessee of said stall/space at all times.

SECTION 15. INSTITUTIONAL/INDUSTRIAL AREAS

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- a. The head of any institutional/industrial firm shall ensure the proper and hygienic storage of generated and segregated wastes in receptacles/containers, which shall be situated along collection routes.
- b. Hazardous wastes shall be stored safely in good, durable, and duly covered receptacles, which should be located in a secured and distant site, prior to final collection/disposal.
- c. The head of any institutional/industrial/firm/establishment shall be stored, collected and transported, and disposed of in accordance with applicable laws, guidelines, rules and regulations of the General Services Office (GSO) of the City.

SECTION 16. AGRICULTURAL AREAS (Including farms for livestock, poultry, etc.)

Homogenous agricultural wastes (rice straws, corn cobs, leaves, animal manure, etc.) shall be properly stockpiled/stored by the concerned farmer.

SECTION 17. LITTERING

No person shall litter, throw, dump, place, scatter waste, refuse or garbage, paper trash, plastic bags of any kind, cigarette butts, empty cigarette packs, candy/bread wrapper, empty boxes, packages, matchsticks, banana-que sticks, barbeque sticks and the like, plastic cups, food packages, disposable diapers, etc., masticated chewing gum, and the like animal or human waste, in any streets, public building or property, public market, inside public vehicles, parks, plazas – including waterways, creeks, canals, brooks, gutter, esteros and riverbanks, not otherwise designated as garbage dumping areas/trash cans/receptacles.

- a. The apprehending officer (POSO) shall issue tickets/receipts/citation to violators of this Ordinance, remit the collection to the Office of the Treasurer. The fines and penalties collected shall accrue to the General Fund of the City.

ARTICLE VII

WASTE PROCESSING AND RESOURCE RECOVERY

SECTION 18. RESIDENTIAL AREAS

- a. Segregated recyclables shall be properly stored before collection. These recyclables shall be collected separately and brought to recycling centers, eco-centers or junk dealers.
- b. Local waste managers shall be designated in every Barangay by the CSWMB who shall oversee the collection of recyclables and shall be responsible in coordinating with accredited dealers or manufactures of recycled product.
- c. Food and kitchen refuse shall be collected as fodder or feeds for animals, those that are not suitable as fodder shall be composted.
- d. Residents shall avoid open burning and dumping and adopt recycling, practicing the F's scheme (feed, fermentable, food and fuel). Fuel materials from households waste consists of two kinds:

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1. **Firewood Material** – consists of twigs, branches, leaves, husks, shell, cobs, chaff, saw dust, wood shavings, soiled papers, bagasse, stalks, etc.; and
2. **Flammable Gas** – produced by anaerobic decomposition of all biomass or biodegradable materials in biogas digester.

SECTION 19. COMMERCIAL AREAS

- a. Segregation of wastes from commercial areas (shopping malls, restaurants, commercial complexes, recreational centers, etc.) shall be mandatory before issuance of or renewal of business permits.
- b. Markets/agoras shall adopt a segregation scheme that will facilitate the segregation of recyclables, food/vegetables wastes, non-recyclables, etc.
- c. Food wastes from commercial centers (e.g. food centers, restaurants, canteens, etc.) shall be collected as fodder/animal feeds and shall not be disposed to sewers.
- d. To encourage proper implementation, incentives in the form of rebates may be provided to consumers who will adhere to the ordinance. Owners and operators may be given incentives like discounts on hauling services by the municipal government when a 50% diversion rate is met.

SECTION 20. INDUSTRIAL/INSTITUTIONAL

- a. In industrial establishments, segregation of biodegradable and non-biodegradable/non-compostable wastes shall be performed to avoid foul odors and proliferation of flies.
- b. Schools (both private and public) shall adopt appropriate resource recovery and recycling strategies.

SECTION 21. AGRICULTURAL AREA (Including farms for livestock, poultry, etc.)

- a. Agricultural wastes (e.g. rice straws, corn, etc.) shall not be burned but shall be stockpiled in a proper location composted. Animal manure can also be composted or used for biogas production.

ARTICLE VIII

COLLECTION AND TRANSPORTATION OF SOLID WASTES

SECTION 22. RESIDENTIAL AREAS

- a. The concerned resident shall ensure that the solid waste are brought out in front of his gate/door and/or along the collection route of the collection vehicle/cart, during the collection period.
- b. He/she shall report to the Barangay and/or to the General Services Office (GSO) of the City or concerned official for any uncollected solid waste within the vicinity of his/her residence.
- c. Garbage not segregated and place in approved container by the City shall not be collected and shall be treated as disposed of in violation of the anti-littering provision of this ordinance and shall be penalized accordingly.

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- d. The specific date and hour of garbage collection in particular location shall be scheduled and announced for strict compliance by all concerned.

SECTION 23. COMMERCIAL AREAS

- a. The owner/operator/lessee of any enterprise shall be responsible for the timely positioning of stored solid wastes during collection period which shall be made known in advance by the proper authorities which shall likewise assist wherever necessary in the sanitary means of loading wastes for collection purposes.
- b. He/she shall remind the Environmental Sanitation Unit of the General Services Office in the collection of uncollected solid wastes and other related matters.

SECTION 24. INSTITUTIONAL/INDUSTRIAL AREAS

- a. The head of any institutional/industrial establishment shall assist the City Government in the orderly and sanitary way of collecting and transporting its solid waste.

The collection and transportation of any hazardous wastes (if necessary) shall be duly coordinated with the government agencies concerned with such type of waste.

ARTICLE IX

DISPOSAL OF SOLID WASTES

SECTION 25. RESIDENTIAL, COMMERCIAL AND INSTITUTIONAL WASTES

- a. Incineration or open burning of solid waste is hereby prohibited. Residuals of solid wastes after resource recovery, recycling and composting shall be disposed of by sanitary land filling or to an alternative waste management facility.
- b. Illegal dumping of solid waste along streets, alleys, riverbanks, and in any public places shall be strictly prohibited.

SECTION 26. INDUSTRIAL WASTES

- a. Hazardous waste shall be buried only after getting the proper assistance/guidance from concerned government agencies.

Other hazardous waste shall be disposed in accordance with the laws, rules, regulations and guidelines of the concerned government agencies like the Environment Management Bureau of the Department of Environment and Natural Resources (DENR-EMB), Department of Health (DOH), Philippine National Research Institute (PNRI) and General Services Office (GSO).

ARTICLE X

WASTE MANAGEMENT FACILITIES

SECTION 27. **ESTABLISHMENT OF CITY MATERIALS RECOVERY FACILITY** - There shall be established a Materials Recovery Facility (MRF) in every Barangay or cluster of barangays. The facility shall be established in a Barangay-owned or leased land or any suitable open space to be determined by the Barangay through its Sanggunian.

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For this purpose, the Barangay or cluster of Barangay shall allocate a certain parcel of land for the MRF. The determination of site and actual establishment of the facility shall likewise be subject to the guidelines and criteria set by GSO pursuant to this Ordinance. The MRF shall receive mixed waste for final sorting, segregation, composting, and recycling. The resulting residual wastes shall be transferred to a long-term storage or disposal facility or sanitary landfill.

SECTION 28. GUIDELINES FOR ESTABLISHMENT OF MATERIALS RECOVERY – Materials recovery facilities shall be designed to receive, sort, process, and store compostable and recyclable materials efficiently and in an environmentally sound manner. The facility shall address the following considerations:

- a. The building and/or land layout and equipment must be designed to accommodate efficient and safe materials processing, movement, and storage; and
- b. The building must be designed to allow efficient and safe external access and to accommodate internal flow.

SECTION 29. PROHIBITION AGAINST THE USE OF OPEN DUMPS FOR SOLID WASTE – No open dumps shall be established and operated within the jurisdiction of the City, nor any practice or disposal of solid waste by any person, which constitute the use of open dumps for solid waste, be allowed after the effectivity of this ordinance.

SECTION 30. PERMIT FOR SOLID WASTE MANAGEMENT FACILITY CONSTRUCTION AND EXPANSION – No person shall commence operation, including site preparation and construction of a new solid waste management facility or the expansion of an existing facility until said person obtains an Environmental Compliance Certificate (ECC) from the Department of Environment and Natural Resources pursuant to P.D. 1586 and other permits and clearances from the City and from concerned agencies.

ARTICLE XI

FINANCING SOLID WASTE MANAGEMENT

SECTION 31. SOLID WASTE MANAGEMENT FUND- There is hereby created, as a special account in the City Treasury, a Solid Waste Management Fund to be administered by the CSWMB. Such fund shall be sourced from the following:

- a. Fines and penalties imposed, proceeds permits and licenses issued by the City under this Ordinance. Donations, endowments, grants and contributions from domestic and foreign sources; and
- b. Amounts specially appropriated for the Fund under the Annual Budget of the city.

The Fund shall be used to finance the following:

1. Products, facilities, technologies and processes to enhance proper solid waste management;
2. Awards and incentives;
3. Research programs;
4. Information, education, communication and monitoring activities

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SECTION 32. ESTABLISHMENT OF LOCAL SWM FUND - Barangay councils may enact council resolutions/ordinances for the creation of a Local Solid Waste Management Fund (also known as the Local Fund), pursuant to the relevant provisions of RA 7160. The Local fund shall be derived from the collection of fines. The ordinance may vest authority in the Local SWM Board to administer the Local Fund as a special account of the Barangay, and to develop pertinent guidelines on the management of the Local Fund.

In no case of clustered Barangays, a governing Memorandum of agreement of the cluster may be created in addition to ordinance, stipulating that the Local SWM Cluster Board shall administer the Local Fund. Moreover, stipulating that the Local SWM Cluster Board shall develop schemes to sustain the Local Fund including resource generating ventures and placing appropriate monies as Trust.

The ordinance may stipulate that reporting on the status of the Local Fund be transparent and that a report be issued annually, to the City Solid Waste Management Board. The Local SWM Cluster Board may conduct the same process of reporting. Further, the ordinance may include, however, shall not be limited to the following provisions:

SECTION 33. SOURCES AND USE OF THE LOCAL SWM FUND - Funds that will constitute the Local SWM Fund can be sourced from the following:

- a. Donations, endowments, grants and contributions from domestic and foreign sources.
- b. Allocation of fines collected.
- c. Fees collected from provision of solid waste services such as collection, recycling, and transport among others.
- d. Sub-contracting fees including management, transport and others, as stipulated in the contract or Memorandum of Agreement of SWM services, respectively.
- e. City may allocate fund from the 20% Development Fund for waste management.

The Local Fund may be used to support endeavors, which enhance the implementation of this Ordinance. These may include activities/projects on the following:

- a. Products, facilities, technologies and processes to enhance proper solid waste management.
- b. Research activities.
- c. Information, education, communication and monitoring activities.
- d. Capability building activities.

ARTICLE XII

SOLID WASTE MANAGEMENT FEES

SECTION 34. There is hereby imposed fees in the amount sufficient to pay the cost of preparing, adopting and implementing the comprehensive Solid Waste Management Ordinance.

The fees shall be collected from every household owners/lessees, commercial, industrial and institutional establishments located within the area covered by the garbage collection area.

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SCHEDULE OF SOLID WASTE MANAGEMENT FEES

To be paid SEMI-ANNUALLY:

1. **Industrial and Manufacturing Firm**
 - a. Big industries such as metal smelting plant, Bottling company, food-processing plant; P 7,500.00
 - b. Medium scale, big scale furniture manufacturers, garment factory, concrete and asphalt mixing plants, tire recapping plant, LPG recharging plants; P 2,500.00
 - c. Small scale industries, rice, corn, and feed mills, manufacturers of bricks tiles, ceramic pipe and other concrete products, bihon, miswa, noodles manufacturing. P 1,000.00
2. **Educational Institutions**
 - a. Universities and Colleges with High School & Elementary..... P 2,000.00
3. **Energy, Transport and Communication Firm**
 - a. Bus Companies with Terminals P 1,000.00
 - b. Electric Companies P 500.00
 - c. Telephone and Communication P 500.00
 - d. Water Service Companies P 500.00
4. **Agricultural**
 - a. Piggery, Poultry and Cattle Farms P 2,000.00
5. **Wholesales and Dealers**
 - a. Chicken Dealer with Chicken Dressing fauses P 3,000.00
 - b. Coconut and Buko Dealer with Wholesale P 1,000.00

To be paid QUARTERLY:

1. **Commercial Establishments**
 - a. Mega Malls/ Shopping Malls and the Like P 8,000.00
 - b. Public Market and Mall P 11,500.00
 - c. Private Market
 - > Not more than 50 stalls P 1,000.00
 - > With 51-100 stalls P 2,000.00
 - > With 101 stalls and up P 6,500.00
 - d. Fast Food Stores P 75.00
 - e. Restaurants, Hotels, and Motels P 75.00
 - f. Gasoline and Service Station P 75.00
 - g. Lumberyard and Hardware P 75.00
 - h. Motor Vehicle Dealer P 75.00
 - i. Appliance Dealer P 75.00

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j. Groceries	₱ 75.00
k. Dry Goods Store	₱ 75.00
l. Fish, Meat and Chicken Vendor	₱ 75.00
m. Vegetables and Fruits Vendors	₱ 75.00
n. Carenderia and Eateries	₱ 75.00
o. Glassware & Aluminum Store	₱ 75.00
p. Bakeries and Bakeshops	₱ 75.00
q. Shoe Store	₱ 75.00
r. Barber and Beauty Shops	₱ 75.00
s. Dress and Tailoring Shops	₱ 75.00
t. Flower Shop	₱ 75.00
u. Music and Record Shop	₱ 75.00
v. Copying Machines, Wood Frames, and Photography Shop	₱ 75.00
w. Pet Shop	₱ 75.00
x. LPG Stores	₱ 75.00
y. Auto Supply	₱ 75.00
2. Medical Institutions	
a. Hospital	₱ 1, 500.00
b. Medical Clinics with patient confinement facilities	₱ 1, 000.00
c. Medical and Dental Clinic, X-Ray, Ultrasound, CT Scan	₱ 500.00
d. Drug Stores	₱ 75.00
e. Optometrist Shop	₱ 75.00
3. Financial Institutions	
a. Banks	₱ 75.00
b. Financing and Credit Loan	₱ 75.00
c. Pawnshop and Jewelry Shop	₱ 75.00
d. Insurance and Lending Companies	₱ 75.00
4. Educational Institutions	
a. High Schools and Vocational Schools	₱ 500.00
b. Elementary, Kinder and Nursery Schools	₱ 250.00
c. Physical Fitness Schools	₱ 75.00
d. Book Stores and School Supplies	₱ 75.00
5. Communication Firm	
a. TV and Radio Stations	₱ 300.00
6. Entertainment Firms	
a. Cinemas	₱ 75.00
b. Cockpit Arenas	₱ 75.00
c. Night Clubs, Cabarets and Karaoke	₱ 75.00
d. Billiards and Pool Rooms	₱ 75.00
e. Video Game Shop	₱ 75.00
f. Bowling Alley	₱ 75.00
g. Swimming Resort with entrance fee	₱ 75.00

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7. **Offices**
 - a. Accounting, Lawyers, Civil State, Advertising Offices, Insurance Agencies, etc. P 75.00
8. **Agricultural**
 - a. Nursery Orchids and Flower Growers P 75.00
 - b. Poultry and Agricultural Farms P 75.00
9. **Repair Shops**
 - a. Motor Vehicle Repair Shop P 75.00
 - b. Battery and Electrical Shop Radiator P 75.00
 - c. Appliance Repair Shop P 75.00
10. **Wholesales and Dealers**
 - a. Beer and Soft drinks Dealer P 75.00
 - b. Meat Dealer P 75.00
 - c. Fruit and Vegetable Dealer P 75.00
11. **Others**
 - a. Machine Shop P 75.00
 - b. Brake and Clutch Bonding Shop P 75.00
 - c. Vulcanizing P 75.00
 - d. Gravel and Sand P 75.00
 - e. Iron and Metal Craft P 75.00
 - f. Sash and Woodcraft P 75.00
 - g. Coffin/Casket Maker P 75.00
 - h. Memorial Park P 75.00
 - i. Funeral Parlor P 75.00
 - j. Parking Lot with Parking Fee P 75.00
 - k. Furniture Stores P 75.00

To be paid MONTHLY:

1. **Malls/Fastfoods**
 - a. Jollibee, McDonalds and the like P 5,000.00 each
 - b. Suki P 15,000.00
 - c. Nepo P 15,000.00
 - d. CSL..... P 500.00
2. **Others**
 - a. Junk shops P 500.00
 - b. Videoke Bars P 75.00

SECTION 34-A. The fee imposed in this Ordinance shall be paid to the City Treasurer or his/her authorized representative either monthly, quarterly or semi-annually. If the option selected is in a monthly basis, it shall be paid on or before 5th day of every month; If quarterly, 1st five (5) days of January, April, July and October; If semi-annual, 1st five (5) days of January and 1st five (5) days of July; If quarterly, semi-annual it shall be paid in advance within the first twenty (20) days of January of every year.

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The fees collected shall be used to pay the actual costs incurred by the City Government (General Services Office) that are directly related to the adoption and implementation of the City Solid Waste Management Plan, the setting and collection of Local fees.

SECTION 34-B. Collection and Retention of Fines – the collection of fines under Section 40 of this Ordinance may be conducted by the CSWM Board/GSO. The collection shall be receipted and deposited under CSWM Fund. The procedure of disbursement shall be defined by the Board.

SECTION 34-C. Special Account – the CSWM Board/GSO shall establish appropriate special accounts for the fines, fees, donations and other various collected or generated under this Ordinance.

ARTICLE XIII

PROHIBITED ORDINANCE, PENALTIES AND PENAL PROVISIONS

SECTION 35. PROHIBITED ACTS - The following Acts are prohibited:

1. Undertaking activities or operating, collecting or transporting equipment in violation of sanitation operation and other requirements or permits set forth in or established pursuant to the Ordinance;
2. The open burning of solid waste;
3. Causing or permitting the collection of non-segregated or unsorted waste
4. Squatting in open dumps and landfills;
5. Open dumping, burying of biodegradable or non-biodegradable materials in flood prone areas;
6. Unauthorized removal of recyclable material intended for collection by authorized persons;
7. The mixing of source-separated recyclable material with other solid waste in any vehicle, box, container or receptacle used in solid waste collection or disposal;
8. Establishment or operation of open dumps as enjoined in the Ordinance, or closure of said dumps in violation of Sec. 6 of the Ordinance;
9. The manufacture, distribution or use of non-environmentally acceptable packaging materials;
10. Importation of consumer products packaged in non-environmentally acceptable materials;
11. Importation of toxic wastes misrepresented as "recyclable" or "with recyclable content";
12. Transport and dumping in bulk of collected domestic, industrial, commercial institutional wastes in areas other than centers of facilities prescribed under this Ordinance;
13. Site preparation, construction, expansion or operation of waste management facilities without an Environmental Compliance Certificate required pursuant to Presidential Decree No. 1586 and the Ordinance not conforming with the Land Use Plan of the LGU;

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SECTION 36. SPECIFIC PROHIBITION AGAINST THE USE OF OPEN DUMPS FOR SOLID WASTE - No open dumps shall be established and operated, nor any practice or disposal of solid waste by any person, including LGU's, which constitutes the use of open dumps for solid waste, be allowed.

SECTION 37. FINES AND PENALTIES

- a. Any person who violates Sec. 35, pars. (1) and (2) shall, upon conviction, be punished with a fine of not less than Three Hundred Pesos (₱ 300.00) but not more than One thousand pesos (₱ 1,000.00) or imprisonment of not less than three (3) days to not more than fifteen (15) days, or both such fine and imprisonment at the discretion of the court;
- b. Any person who violates Section. 35 par. (3) shall be fined as follows:
 1. 1st offense - P500.00 plus reparation for damages made plus damages.
 2. 2nd offense - P1,000.00 plus reparation for damages made plus damages.
 3. 3rd offense - P1,500.00, imprisonment of 3 days or both such fine and imprisonment upon the discretion of the court plus reparation for damages made plus damages.
- c. Any person who violates Sec. 35, pars. (4), (5), (6) and (7) shall, upon conviction, be punished with a fine on not less One thousand pesos (₱ 1,000.00) but not more than Three thousand pesos (₱ 3,000.00) or imprisonment of not less than fifteen (15) days but not more than six (6) months, or both such fine and imprisonment at the discretion of the court;
- d. Any person who violates Sec. 38, pars. (8), (9), (10) and (11) for the first time shall, upon conviction, pay a fine of Five thousand pesos (₱ 5,000.00) plus an amount not less than five percent (5%) but not more than ten percent (10%) of his net annual income during the previous year.

The additional penalty of imprisonment of a minimum period of one (1) year shall be imposed for second or subsequent violations of Sec. 39, paragraphs (9) and (10).
- e. Any persons who violates Sec. 35, pars (12) and (13), shall, upon conviction be punished with a fine of not less than Five thousand pesos (₱ 5,000.00) or imprisonment of not less than fifteen (15) days but not more than one (1) year, or both such fine and imprisonment at the discretion of the court;
- f. Any person who violates Sec. 38 shall, upon conviction, be punished with a fine not more than Five thousand pesos (₱ 5,000.00) or imprisonment not more than six (6) months, or both such fine and imprisonment at the discretion of the court.

If the offense is committed by a corporation, partnership, or other juridical entity duly organized in accordance with law, the chief executive officer, president, general manager, managing partner or such other officer-in-charge shall be liable for the commission of the offense penalized under this Ordinance.

If the offender is an alien, he shall after service of the sentence prescribe above, be deported without further administrative proceedings.

The fine herein prescribed shall be increased by at least ten percent (10%) every three (3) years to compensate for inflation and to maintain different function of such fines.

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For habitual violations, who are willfully violating any provision in this ordinance shall upon conviction be punished by a fine of ₱3,000.00 or by imprisonment of 15 days or both at the discretion of the court.

ARTICLE XIV

MISCELLANEOUS PROVISIONS

SECTION 37. CITIZENS SUITS - For purpose of enforcing the provisions of this Ordinance or its implementing rules and regulations, any citizen may file an appropriate civil, criminal or administrative action in the proper courts/bodies against:

- a. Any person who violates or fails to comply with the provisions of this Ordinance or its implementing rules and regulations
- b. The Department or other implementing agencies with respect to orders, rules and regulations issued inconsistent with this Ordinance; and/or
- c. Any public officer who willfully or grossly neglects the performance of an Ordinance specifically enjoined as a duty by this Ordinance or its implementing rules and regulations; or abuse his authority in the performance of his duty; or in any manner, improperly performs his duties under this Ordinance or its implementing rules and regulations; Provided, however, that no suit can be filed until after three (3) notices had been given to public officer and the alleged violator concerned and no appropriate action has been taken thereon.

The Court shall exempt such action from the payment of filing fees and shall, likewise, upon prima facie showing of the non-enforcement or violation complained of, exempt the plaintiff from the filing of an injunction bond for the issuance of a preliminary injunction.

In the event that the citizen should prevail, the Court shall award reasonable attorney's fees, moral damages and litigation costs as appropriate.

SECTION 38. PUBLIC EDUCATION AND INFORMATION - The CSWMB/GSO, Barangay Solid Waste Management Committee (BSWMC), Community Environment and Natural Resources Office (CENRO) shall, in coordination with DECS, TESDA, CHED, DILG and PIA, conduct a continuing education and information campaign on solid waste management. Such education and information program shall;

- a. Aim to develop public awareness of the ill effects of and community-based solution to the solid waste problem;
- b. Concentrate on activities which are feasible and which will have the greatest impact on the solid waste problem of the country, like resource conservation and recovery, recycling, segregation at source, re-use, reduction and composting of solid waste; and
- c. Encourage the general public, accredited NGO's and people's organizations to publicly endorse and patronize environmentally acceptable products and packaging materials.

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SECTION 39. BUSINESS AND INDUSTRY ROLE - The City Government/CSWMB shall encourage commercial and industrial establishment, through appropriate incentives other than tax incentives, to initiate, participate and invest in integrated ecological solid waste management projects, to manufacture environment - friendly products, to introduce, develop and adopt innovative processes that shall recycle and re-use materials, conserve raw materials and energy, reduce waste, and prevent pollution and to undertake community activities to promote and propagate effective solid waste management practices.

SECTION 40. INCENTIVES - Rewards of monetary or otherwise shall be given to individuals, private organizations and entities, including non-government organizations, that have undertaken outstanding and innovative projects, technologies, processes and techniques or activities in the re-use, recycling and reduction of wastes.

The incentives schemes shall be based on Chapter IV Section 45 of R.A. 9003 - The Ecological Solid Wastes Management Act of 2000.

SECTION 41. APPROPRIATIONS - For the initial operating expenses of the CSWMB as well as the expenses of the General Services Office (GSO) to carry out the mandate of this Ordinance, the amount of Two Million Pesos (P 2,000,000.00) is hereby appropriated from any fund available. Thereafter, it shall be incorporated in the City Treasury annually in the Annual Budget of the City.

ARTICLE XV

SECTION 42. SEPARABILITY CLAUSE - If any section or provision of this Ordinance is held or declared unconstitutional or invalid by a competent court, the other section or provisions hereof shall continue to be in forced if the sections or provisions so annulled or voided had never been incorporated herein.

SECTION 43. REPEALING CLAUSE - All ordinances, executive orders, rules and regulations or parts thereof inconsistent with this ordinance are hereby revised, amended, modified and/or superseded as the case may be.

SECTION 44. AMENDMENTS - This ordinance may be amended and/or modified from time to time by the Sangguniang Panlungsod if ever deem necessary.

SECTION 45. DENR Administrative Order No. 2001-34 - Implementing Rules and Regulation of Republic Act No. 9003 is a part and parcel of this Ordinance.

SECTION 46. EFFECTIVITY - This ordinance shall take effect fifteen (15) days after its approval, posting in conspicuous places and publication in local newspaper of province-wide circulation.

ENACTED.....

Sponsored by : **Hon. Earl James C. Aquino**
Co-sponsored by : **Hon. Orlando "Ang Panday" R. Go**
Seconded by : **Hon. Constante R. Carasi, M.D.**

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I **HEREBY CERTIFY** to the correctness of the foregoing ordinance which consist some twenty-six (26) pages including this page.

VIRGILIO O. MONTEMAYOR
Secretary

ATTESTED:

CIRILO B. RADOC, CPA, LL.B.
(City Councilor)
Acting Presiding Officer

CAROLYN D. SISON
Member

EARL JAMES C. AQUINO
Member

CONSTANTE R. CARASI, M.D.
Member

ORLANDO "Ang Panday" R. GO
Member

OSCAR A. BOLING, C.E.
Member

FILEMON E. BACALA, JR.
Member

HELEN B. BUMAGAT, LBP
Ex-Officio Member

APPROVED:

HERNAN A. BRAGANZA
City Mayor