

ORDINANCE NO. 2004-012

AN ORDINANCE REGULATING THE INSTALLATION AND CONSTRUCTION OF POLES AND OVERHEAD LINES WHICH INCLUDE POWER, TELECOMMUNICATIONS, AND CABLES ALONG MAJOR THOROUGHFARES AND SUBURBS WITHIN THE TERRITORIAL JURISDICTION OF THE CITY OF SAN FERNANDO, PAMPANGA

EXPLANATORY NOTE

WHEREAS, the City of San Fernando, Pampanga aims to adopt the challenges brought about by modernization and development particularly with the conversion of the local government unit from municipality to a component city since the year 2001:

WHEREAS, the present situation of the city as far as power, telecommunications and cables lines are concerned are below par the existing standards and their spaghetti-like constructions are not only eyesore' to the public but pose safety and health hazards among our people;

WHEREAS, to be truly adaptive to change brought about by modernization, and technology, it is imperative to improve the present set-up by embracing the standards set forth by existing laws, rules and regulations;

WHEREAS, after a careful study coupled with public consultations through committee hearings conducted for the purpose by the Committee on Ways and Means, this Ordinance would be the answer to the city's lingering problem on overhead lines of power, telecommunications and cables in the city of San Fernando, Pampanga

WHEREAS, this Ordinance shall be implemented by the following:

- a. City Engineer's Office;*
- b. Local Building Official;*
- 3. City Administrator; and*
- 4. General Services Office.*

NOW THEREFORE, BE. IT ENACTED BY THE SANGGUNIANG PANLUNGSOD, in session assembled:

ARTICLE I TITLE AND SCOPE

Section 1. Title - This Ordinance shall be known and cited as:

THE ORDINANCE REGULATING THE INSTALLATION AND CONSTRUCTION OF POLES AND OVERHEAD LINES FOR POWER, TELECOMMUNICATIONS, AND

CABLES IN THE CITY OF SAN FERNANDO, PAMPANGA

Section 2. Definition of Terms - As used in this Ordinance following terms shall mean:

1. Cables – pertains to the supply of television and satellite cable facilities
2. Construction - all works including excavation, erection and embedding of pole structures, line hardwares and accessories;
3. D.P. - refers to distribution points or distribution box;
4. Dominant pole owner - refers to the owner of the pole selected by the affected public utilities which has the capability to meet the technical requirements of said utilities, with respect to loading capacity including other appurtenances of telecommunications carriers such as but not limited to alley arms, guyings, extension arms distribution points (DP) and other accessories.
5. Drop wire/multiple wire/dangling wire and cable wires - refers to all wires used as service entrance wire for power, telephone and cable network;
6. Idle Poles - refer to all poles installed and serving no purpose;
7. Improper connections -refers to any connection not in conformity to the standards of the Philippine Electrical Code;
8. Installation - all works involving fastening, attachments, connections and lay-out of overhead lines and accessories;
9. Joint Pole Agreement - an agreement between the dominant pole owner and the player using the said pole;
10. Juridical person - refers to corporations, institution and entities engaged in the businesses mentioned in this Ordinance;
11. Major thoroughfares - pertains to main roads, avenues and highways;
12. Line wires - these are duplex wires used as service drop Wires for telephones;
13. Nuisance - pertains to any act, omission, establishment, condition of property, or anything else which injures or endangers the health or safety of others;
14. Overhead lines - all kinds of wires and cables installed overhead;
15. Overhead line accessories - refers to all kinds of pole hardwares used for carrying, fastening, stringing, guying, connecting and attachments of overhead lines and cables;
16. Pole - refers to all kinds of poles used as structure, support and attachment for all kinds of overhead lines, cables and accessories;

- 17. Power - pertains to electrical power supplier or distributor;
- 18. Splice joints - refers to connection joints;
- 19. Suburbs - pertains to streets, access roads and "eskinitas";
- 20. Sub-standard structures - any pole structure and accessories not in conformity with the standards of the Philippine Electrical Code;
- 21. Tap-Off point - refers to connection point/box for cable networks;
- 22. Telecommunications - pertains to the supply of telephone equipment and communication lines; and
- 23. Wires - refers to electrical and telecommunication wires.

Section 3. Coverage - This Ordinance shall find application to all electrical power, telecommunications and cables along the major thoroughfares and suburbs within the City or San Fernando, Pampanga.

Section 4. Purpose. - This Ordinance IS enacted for the following Purposes:

1. to adopt the challenges brought about by modernization and development particularly on electrical power, telecommunications and cable industries in the city of San Fernando, Pampanga;

2. to improve and prescribe standards in the installation of electrical power, telecommunications and cables lines in accordance with the existing standards;

3. to provide our populace an ambience of internationally accepted designs and specifications regarding electrical power, telecommunications, and cable lines within the major thoroughfares and suburbs of the City of San Fernando, Pampanga;

c.
4. to maintain at all times an orderly and properly marked cables and any other lines installed overhead to avoid accidents and obstructions to all kinds of traffic; and

5. to project a city government that is internationally competitive and capable of attracting more investments and sustaining development in its midst.

d.

ARTICLE II REGULATED ACTS

e.

Section 5. It shall be unlawful for any electrical power supplier, telecommunications company, or cable network to:

- 1. install more than one (1) pole to any particular location along major " thoroughfares and suburbs within the territorial jurisdiction of the City of San Fernando, Pampanga, unless extremely necessary;

2. install ^{g.} line/drop wires exceeding 100 meters from the last DP or Tap Off Point;
3. install cables, wires and accessories below 15 feet above the ground;
4. install multiple line/drop wire serving the same building;
5. install unmarked or temporary wires and cables without permission and agreement of removal after use;
6. install dangling, loose, untied wires and cables;
7. in stall improper connections, splices joints and other termination works not in conformity with existing standards of the industry; and
8. retain idle poles, wires and cables and other overhead line accessories without and futher use.

ARTICLE III MISCELLANEOUS PROVISIONS

Section 6. The following shall be observed in the implementation of this Ordinance:

a. JOINT POLE AGREEMENT - major players of this Ordinance shall undertake a Joint Pole Agree which shall be headed by the power supplier or any other entity as agreed upon by the players as the dominant pole owner. The dominant Pole owner shall accommodate all the authorized players and to charge certain amount as they may agree upon in the use of the major supplier's pole.

b. REMOVAL OF NUISANCE AND SUB-STANDARD STUCTURES – by virtue of this Ordinance, any structures and accessories that were not removed after the lapse of 60-day clean up notice, shall be removed by the Office of the City Engineer and the cost incurred thereof shall be charged to the account of the owner of said structures. This provision is without prejudice to the penalty imposed herein under cited under Section 17 of article IV.

ARTICLE IV PENAL PROVISIONS

Section 7. Penalty Provision – The following penalties shall be imposed on any or all violators of this Ordinance:

1. For First Offense - Any of the officers of Juridical persons/corporate entities such as the president, general manager and other persons who violate this Ordinance for the First time shall be fined the amount of P3,000.00 and or imprisonment of one (1) month or both at the discretion of the proper court;

2. For Second Offense – Any of the officers of Juridical persons/corporate

entities such as the president, general manager and other persons who violate this Ordinance for the Second time shall be fined the amount of P4,000.000 and or imprisonment of six (6) months or both at the discretion of the proper court;

3. For third offense – Any of the offices of Juridical persons/corporate entities such as the president, general manager and other persons who violate this Ordinance for the Third time shall be fined the amount o P 5,000.00 and or imprisonment of one (1) year and the absolute perpetual disqualification to indulge in public utilities’ business as embodied in this Ordinance or all of these penalties shall be imposed at the discretion of the proper court;

In case of Juridical persons, the latter is under obligation to notify its employees about the violations and penalties imposed under this Ordinance.

Section 7. Repealing Clause - Local Ordinances, Resolutions, Orders, Rules and Regulations that are inconsistent with this Ordinance are hereby repealed, modified or amended accordingly.

Section 8. Separability Clause - If any provision of this Ordinance is declared unconstitutional and or illegal, the remainder of this Ordinance shall not be affected by such declaration and shall therefore, be in full force and effect.

Section 9. Effectively Clause - This Ordinance shall take effect immediately upon satisfaction of its required publication for three consecutive issues in a newspaper of general circulation in the Province of Pampanga and the posting of the same in conspicuous places of the City Hall.

ADOPTED this 20th day of October 2004