

ORDINANCE NO. 2004 – 010

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AN ORDINANCE REQUIRING ALL COMMERCIAL, INDUSTRIAL AND INSTITUTIONAL ESTABLISHMENTS AND AGRICULTURAL BUSINESSES TO SECURE ECOLOGICAL SOLID WASTE MANAGEMENT INSPECTION CLEARANCE AS A PRE-REQUISITE TO THE SECURING AND/OR RENEWAL OF MAYOR'S PERMIT/BUSINESS CLEARANCE IN THE CITY OF SAN FERNANDO, PAMPANGA

The Sangguniang Panlungsod of the City of San Fernando, Pampanga in session assembled do ordain that:

ARTICLE I

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

THE CITY ECOLOGICAL SOLID WASTE MANAGEMENT INSPECTION CLEARANCE ORDINANCE OF 2004

Section 2. Coverage - This Ordinance shall find application to all commercial, industrial and institutional establishments and agricultural businesses in the Local Government Unit (LGU) of the City of San Fernando, Pampanga.

Section 3. Definition of Terms: As used in this Ordinance, the following terms shall mean:

1. Collection - the act of removing solid wastes from the source or from a communal storage point;
2. Disposal - refers to the discharge, deposit, dumping, spilling, leaking or placing of any solid wastes into or in any land;
3. Segregation - refers to a solid waste management practice of separating different materials found in solid wastes in order to promote recycling and re-use of resources and to reduce the volume of wastes for collection and disposal;
4. Solid Waste - refers to all discarded household, commercial wastes, non-hazardous institutional and industrial wastes, street sweepings, construction debris, agricultural wastes, and other non-hazardous/non-toxic wastes;
5. Solid Waste Management - is associated with 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 considerations that is also responsive to public attitudes;
6. Storage - refers to the interim containment of solid wastes after generation and prior to collection for ultimate recovery or disposal.

Section 4. Purpose. - This Ordinance is enacted for the following purposes:

1. To supplement the provisions of existing laws, ordinances, executive orders, and regulations for their full implementation relevant to Solid Waste Management by all commercial, industrial and institutional establishments and agricultural businesses in the City of San Fernando, Pampanga;
2. To guide, control and regulate the waste generation, segregation, storage, collection, transportation, and disposal of solid wastes of commercial, industrial, and

institutional establishments and agricultural businesses in the City of San Fernando, Pampanga;

3. To ensure the compliance of commercial, industrial and institutional establishments and agricultural businesses with the mandated provisions of existing laws, ordinances, and executive orders in the City of San Fernando, Pampanga related to Solid Waste Management Act of 2000.

ARTICLE II ECOLOGICAL SOLID WASTE MANAGEMENT INSPECTION AND ISSUANCE OF CLEARANCE

Section 5. Inspection and Issuance of Ecological Solid Waste Management Clearance. All commercial, industrial and institutional establishments and agricultural businesses shall secure an Environmental Inspection Clearance from the City Solid Waste Management Board under the Office of the City Agriculture, Veterinary, Environment and Natural Resources Offices (AVENRO) and the City Health Office as a pre-requisite for the application of a Mayor's Permit or its renewal. The issuance of an **Ecological Solid Waste Management Clearance Certificate** and its corresponding sticker/ decal, is a primordial proof declaring the establishment inspected to be environment-friendly establishment.

Section 6. Environment Inspection Fee. An Inspection Fee and Certificate of Clearance Fee in the amount of FIFTY (P50.00) PESOS shall be included with the basic services/ fees collected in the application of the Mayor's Permit and or its renewal and payable to the Office of the City Treasurer of the City of San Fernando, Pampanga.

ARTICLE III PROHIBITED ACTS

Section 7. Prohibited Acts. It shall be unlawful and prohibited for any commercial, industrial and institutional establishments and agricultural businesses owner/s to operate his business without first securing an **Ecological Solid Waste Management Clearance** from the City Solid Waste Management Board under the Office of the City Agriculture, Veterinary, Environment and Natural Resources Offices (AVENRO) and the City Health Office as a pre-requisite for the application of a Mayor's Permit or its renewal.

It shall likewise be unlawful and therefore punishable for any commercial, industrial and institutional establishments and agricultural businesses owner/s not to provide orientation to their staff or employees as regard the existing rules, laws and regulations including the implementation of this Ordinance especially the following miscellaneous provisions dealing on waste segregation, storage and collection and transportation of the wastes generated by their establishment/s.

ARTICLE IV MISCELLANEOUS PROVISIONS

Section 8. Guidelines for Inspection. The following shall be the guidelines to be adopted by the AVENRO in coordination with the Environmental Sanitation Division of the City Health Office of the City in the implementation of this Ordinance:

1. Maintenance of cleanliness and sanitary conditions of the establishment's facilities and premises;
2. Mandatory segregation of biodegradable and non-biodegradable wastes;
3. Installation of septic tanks, sewerage system, and liquid wastes treatment facilities if so required by existing laws;

4. Provision of protective equipment by employers for workers, especially those that are handling solid wastes/hazardous wastes;
5. Provision of properly marked containers of color coded bags wherein the segregated wastes are stored.

Section 9. Wastes Segregation. All commercial, industrial and agricultural establishments and agricultural businesses are hereby mandated to perform mandatory segregation of bio-degradable (compostable) non-bio-degradable (non-compostable) and residual wastes;

Under this Ordinance, the mixture of non-hazardous wastes with hazardous, toxic and pathogenic wastes generated by institutional establishments such as hospital, clinics, and similar institutions shall likewise be strictly prohibited and punishable with the maximum penalty herein imposed for the violation of this Ordinance.

Section 10. Collection of Solid Wastes. The City Government shall prepare a systematic collection of solid wastes generated by commercial, industrial and institutional establishments and agricultural businesses. There shall be different date and time in the collection schedule of biodegradable and non-biodegradable wastes to be determined and prepared by the AVENRO and the CHO in coordination with the General Services Office of the City Government.

Section 11. Storage of Solid Wastes. The segregated biodegradable wastes shall be stored in non-leak containers to prevent the spilling of leachates while it is transported to the disposal site and it shall only be brought out at the specified date and time of garbage collection as scheduled by the City Government. This shall also apply to the non-biodegradable wastes. There shall be separate containers for segregated wastes. These containers/receptacles shall be properly marked to distinguish the type of waste to be stored therein. The use of color coded containers of different waste is suggested, such as green color for bio-degradable, yellow for non-degradable, blue for residual wastes and red for hazardous wastes.

Section 12. Mixed Wastes. The segregation of mixed wastes shall be the responsibility of the commercial, industrial or institutional establishments involved. Non-segregated or mixed wastes shall not be collected by the City Government but the owners of such mixed waste shall be dealt with in accordance with the provisions of par. 4 and 8, Section 48, Chapter VI of R.A. 9003, par c and d, Section 49, Chapter VI of R.A. 9003.

Section 13. Collection and Transportation of Wastes. The following guidelines shall be observed in the collection and transportation of wastes in the city:

1. All commercial, industrial, institutional and agricultural businesses shall be responsible for the timely positioning and stored solid wastes accumulated by them during the collection period prescribed by the city government. They shall likewise assist whenever necessary in the sanitary means of loading wastes for collection purposes.

2. Stored solid wastes shall only be brought out at the specific date and hour of garbage collection in specific locations that shall be scheduled and announced for strict compliance by all concerned establishments;

3. The collection and transportation of any hazardous wastes shall be coordinated with government agencies in the implementation of R.A. 9003 particularly with the Environmental Management Bureau (EMB) of DENR, Department of Health (DOH), Philippine Nuclear Research Institute (PNRI) and Department of Science & Technology;

4. Agricultural wastes of livestock farms such as homogenous and agricultural wastes i.e. rice straws, corn cobs, animal manure, etc., should be properly stockpiled/stored by the concerned farmer;

5. Hazardous agricultural wastes, such as empty bottles or package of pesticides, insecticides and herbicides should be disinfected and buried.

Section 14. Disposal of Wastes. Incineration or open burning of solid wastes is strictly prohibited. Residual wastes after recovery, re-use, recycling and composting shall be disposed of on sanitary landfill. Illegal dumping of solid wastes in areas other than centers designated by the city government is strictly prohibited.

Section 15. Any violation/s of the foregoing provisions shall be dealt with jointly under the provisions of R.A. 9003 and this Ordinance.

ARTICLE V PENAL PROVISIONS

Section 16. Penalty Provision. - The following penalties shall be imposed on any or all violators of this Ordinance:

1. For First Offense - Any commercial, industrial and institutional establishment owner or any of its officers who violate this Ordinance for the first time shall be fined the amount of P2,000.00 and an order for the closure of the establishment/cessation of business operation;

2. For Second Offense - Any commercial, industrial and institutional establishment owner or any of its officers who violate this Ordinance for the second time shall be fined the amount of P3,500.00, an order for the closure of the establishment/cessation of business operation and or imprisonment of the owner or its officers for two (2) weeks or both at the discretion of the proper court; and

3. For Third Offense - Any commercial, industrial and institutional establishment owner or any of its officers who violate this Ordinance for the third time shall be fined the amount of P5,000.00, an order for the closure of the establishment/cessation of business operation and or imprisonment of the owner of its officers for one (1) month or both at the discretion of the proper court.

The imposition of the foregoing penal provisions is not without prejudice to the filing of a separate case in violation of R.A. 9003.

Section 15. Repealing Clause - Local Ordinances, Resolutions, Orders, Rules and Regulations that are inconsistent with this Ordinance are hereby repealed, modified or amended accordingly.

Section 16. Separability Clause - If any provision of this Ordinance is declared unconstitutional and or illegal, the remainder of this Ordinance shall not be affected and shall therefore, be in full force and effect.

Section 17. Effectivity Clause - This Ordinance shall take effect upon satisfaction of its required publication for three (3) 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 29th day of September 2004.