

**ORDINANCE NO. 2004-018**  
**(Author: Hon. Redentor S. Halili)**

**ORDINANCE PROHIBITING DUMP TRUCKS, GRAVEL AND SAND HAULERS, AND VEHICLES CARRYING OR PULLING HEAVY EQUIPMENT TO PARK AT THE SHOULDERS OF THE MAIN THOROUGHFARES OF THE CITY OF SAN FERNANDO, PAMPANGA FROM 3:00 P.M. TO 3:00 A.M. OF THE NEXT DAY, UNLESS NECESSARY AND FOR OTHER PURPOSES**

**EXPLANATORY NOTE**

*WHEREAS, the City is experiencing monstrous traffic due to indiscriminate parking of heavy vehicles along the shoulders of the main thoroughfares of the City of San Fernando, Pampanga;*

*WHEREAS, it has been observed that vehicles particularly dump trucks haulers and heavy equipment carriers frequently park along the shoulders of the main thoroughfares of the City of San Fernando, Pampanga while waiting for the lifting of the truck ban at around nine o'clock in the evening;*

*WHEREAS, this unwarranted parking of dump trucks haulers and heavy equipment carriers inevitably contribute to the proliferation of indexed crimes such as robbery hold-ups, snatching, vehicular accidents and similar incidents as these parked vehicles even serve as havens that harbor criminals finding refuge in the area;*

*WHEREAS, this unwarranted parking of dump trucks and heavy equipment carriers likewise contribute to the problem on illegal vending or ambulant vendors occupying the shoulders along the shoulders of the main thoroughfares of the City of San Fernando, Pampanga, thereby circumventing the purpose for which they are constructed;*

*WHEREAS, the banning of dump trucks and heavy equipment carriers to park along the shoulders of the main thoroughfares of the City of San Fernando, Pampanga will deter criminals in plying their trades in the City thereby mitigating their criminal activities henceforth, providing an ambience of peace that would further entice investors for our city;*

*WHEREAS, the City Police Force of the City of San Fernando (P) should be particularly tasked to look into the implementation of this Ordinance.*

**NOW THEREFORE, BE IT ORDAINED** as it is hereby ordained by the Sangguniang Panlungsod of the City of San Fernando, Pampanga in session assembled that:

**ARTICLE I**

**Section 1.** This ORDINANCE shall be known and cited as the **TRUCK BAN ORDINANCE ALONG THE MAJOR THOROUGHFARES OF THE CITY OF SAN FERNANDO, PAMPANGA**

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

1. Dump Truck - a truck whose contents are emptied by tilting the truck bed upward and opening the tailgate;

2. Gravel and Sand Haulers - refers to ten (10) wheeler trucks and above engaged in the business of hauling of gravel and sand;

3. Heavy Equipment Carrier - refers to ten (10) wheeler truck and above designed to transport heavy equipment

4. Major thoroughfares - refers to national, provincial and city roads particularly the MacArthur Highway from San Fernando town proper to Telabastagan and Magliman to Paskuhan Village of the Olongapo –San Fernando- Gapan-Road

**Section 3. Coverage** - This Ordinance shall find application only from three o'clock in the afternoon up to three o'clock in the morning of the next day, unless necessary, particularly along the shoulders of the main thoroughfares of the City of San Fernando, Pampanga;

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

1. To decongest monstrous traffic in the City of San Fernando, Pampanga;
2. To deter the proliferation of indexed crimes such as robbery hold-ups, snatching, vehicular accidents and similar incidents along the shoulders of the main thoroughfares of the City of San Fernando, Pampanga;
3. To discourage criminals whether committing petty or large scale crimes who use the shoulders of the main thoroughfares of the City of San Fernando, Pampanga as their havens as they find refuge in the area;
4. To provide an ambience of peace that will further entice investors for our city;
5. To clothe the Local Police Force the necessary powers to apprehend violators and minimize traffic violations and related incidents that usually happen along the shoulders of the main thoroughfares of the City of San Fernando, Pampanga;

## **ARTICLE II PROHIBITED ACTS**

**Section 5. Illegal Parking.** It shall be illegal and punishable for any person or entity to park his dump truck, gravel and sand hauler, hauler truck, or vehicles carrying or pulling heavy equipment from three o'clock in the afternoon up to three o'clock in the morning of the next day, unless necessary, along the shoulders of the main thoroughfares of the City of San Fernando, Pampanga.

## **ARTICLE III MISCELLANEOUS PROVISION**

**Section 6. Special Area designated for checking of tires, brakes before entering the North Expressway.** The local Police Force of the City of San Fernando, Pampanga in coordination with the agencies in-charge with the implementation of existing traffic rules and regulations shall determine the specific area that should be used for checking of tires, brakes before entering the North Expressway.

## **ARTICLE IV PENALTY CLAUSE**

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

**1. For First Offense** - Any dump truck, gravel and sand hauler, hauler truck, or vehicles carrying or pulling heavy equipment truck driver or operator or both who violate this Ordinance for the first time shall be punished with the fine of P500.00 and confiscation of the driver's license;

**2. For Second Offense** - Any dump truck, gravel and sand hauler, hauler truck, or vehicles carrying or pulling heavy equipment truck driver or operator who violate this Ordinance for the second time shall be punished with the fine of P1,000.00, confiscation of the driver's license and or imprisonment of the heavy equipment driver for a period of one (1) week or both at the discretion of the court;

**3. For Third Offense** - Any dump truck gravel and sand hauler, hauler truck, or vehicles carrying or pulling heavy equipment truck driver or operator who violate this Ordinance for the third time or more shall be punished with the fine of P1,500.00, confiscation of the driver's license and or imprisonment of the heavy equipment driver for a period of two (2) weeks to one month, or both at the discretion of the court;

**Section 8. Repealing Clause** - Local Ordinances, Resolutions, Orders, Rules and Regulations that are inconsistent with this Ordinance are hereby repealed, modified or amended accordingly.

**Section 9. 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 10. Effectivity Clause** - This Ordinance shall take effect upon satisfaction of the 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 10<sup>th</sup> day of November 2004.**