

ORDINANCE NO. 2005-002
(Sponsor: Hon. Redentor S. Halili)
(Co-sponsors: Hon. Renato G. Agustin,
Hon. Bernie T. Castro & Hon. Nelson G. Lingat)

AN ORDINANCE REQUIRING ALL SUBDIVISION DEVELOPERS/OWNERS AND ALL THE CITY'S 35 BARANGAYS TO PROVIDE A MATERIAL RECOVERY FACILITY (MRF) ON EVERY PHASE OF THEIR SUBDIVISIONS AND THEIR RESPECTIVE BARANGAYS

EXPLANATORY NOTE

WHEREAS, P.D. No. 1151, otherwise known as the Philippine Environment Policy states that it is the continuing policy of the State to create, develop, maintain, and improve conditions under which man and nature can bring in productive and enjoyable harmony with each other, fulfill the social, economic and other requirements of present and future generations of Filipinos and to ensure the attainment of an environment quality that is conducive to a life of dignity and well-being;

WHEREAS, R.A. 9003, otherwise known as the Ecological solid Waste Management Act of 2000, declares it a State policy to adopt a systematic, comprehensive and ecological solid waste management program;

WHEREAS, Chapter I, Art. 1, Section 2 © sets guidelines and targets for solid waste avoidance and volume reduction through source reduction and waste minimization measures, including re-use and re-cycling, before collection, treatment and disposal in appropriate and environmentally-sound solid waste management facilities in accordance with ecologically sustainable development principles;

WHEREAS, pursuant to R.A. 7160 otherwise known as the Local Government Code of 1991, LGUs are mandated to ensure and support the promotion of health and safety and to enhance the right of the people to a balanced ecology, encouraged and support the development of appropriate and self-reliant scientific and technological capabilities, within their respective territorial jurisdictions;

WHEREAS, the City Environment & Natural Resources Office of the City of San Fernando (P) shall 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
TITLE

Section 1. This ORDINANCE shall be known and cited as the **MATERIAL RECOVERY FACILITY PROGRAM ORDINANCE OF THE CITY OF SAN FERNANDO, PAMPANGA**

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

- a. Subdivision owners – shall refer to any individual, partnership, corporation or institution, whose real estate properties are subdivided into several lots either for residential, commercial or industrial purposes and market the same to interested buyers;
- b. Developers – shall refer to any individuals, partnerships or corporations whose services are engaged by the owners for the purpose of subdividing their real estate

properties into several lots either for residential, commercial or industrial use and to sell the same to interested buyers.

c. Materials Recovery Facility – shall refer to facilities utilized to received, sort, process and store compostable and recyclable materials efficiently and in an environmentally sound manner.

d. Program – shall refer to the City Ecological Solid Waste 10-year program, as mandated under Section 16, Article I, Chapter III of R.A. 9003, otherwise known as Ecological Solid Waste Management Act of 2000.

Section 3. Coverage – This Ordinance shall find application to all proposed subdivisions and the 35 barangays of the City of San Fernando, Pampanga.

Section 4. Purpose – This ordinance is enacted for the following purposes:

4.1. To adopt a systematic, comprehensive and Ecological Solid Waste Management Program for the City of San Fernando;

4.2. To protect public health and the environment;

4.3. To ensure the proper segregation, collection, storage, transport, treatment and disposal of solid wastes through the best environmental practice in ecological waste management;

4.4. Encourage greater private sector participation in solid waste management; and

4.5. Institutionalize public participation in the development and implementation of the City Comprehensive and Ecological Solid Waste Management Program.

ARTICLE II ADMINISTRATIVE PROVISIONS

Section 5. Establishment of Materials Recovery Facility.

5.1 There shall be established a Material Recovery Facility in every Barangay of the City of San Fernando, and the proposed, the newly established, and already existing subdivisions within the jurisdiction of the City of San Fernando.

5.2 The Material Recovery Facility shall be established in a Barangay's owned or leased land or any suitable open space to be determined by the Sangguniang Barangay.

5.3 The Subdivision Material Recovery Facility shall be established in an area designated by the subdivision owners or developers or would be owners or developers aside from the amenities or facilities required by law for subdivision development and shall become part of the requirements for Subdivision Development Permit Application.

5.4 For proposed subdivisions, there should be a provision for the construction of the Material Recovery Facility that shall be included in their development plan which should be separate and distinct of the open space allotted for subdivision amenities or facilities.

ARTICLE III MISCELLANEOUS PROVISIONS

Section 6. Guidelines for establishment of Materials Recovery Facility

6.1 The building and /or land layout and equipment must be designed to accommodate efficient and safe materials' processing, movement and storage.

6.2 The building must be designed to allow efficient and safe external access and to accommodate internal flow.

6.3 The City Engineer's Office, shall design uniform Material Recovery Material (MRF) Building for the barangay.

6.4 The design of the MRF building for subdivision shall be the sole responsibility of the subdivision owners/developers, subject however, to the approval of the City Engineer.

Section 7. Inspection and Monitoring

7.1 The City Agriculture, Veterinary, Environment and Natural Resources Officer (CAVENRO) through the City Solid Waste Management Committee shall provide technological assistance in the proper segregation, collection, treatment and disposal of solid wastes.

7.2 The CAVENRO and the City Health Office shall be responsible in the monitoring and inspection of the MRF to ensure the latter's proper operation and management.

ARTICLE IV PENALTY CLAUSE

Section 8. Penalty Provision – The following penalties shall be imposed on any or all violators of this Ordinance:

8.1 For First Offense – Reprimand that includes an explanation under oath and in writing why the Ordinance was violated;

8.2 For second Offense – A fine of five thousand (P5,000.00) pesos, an imprisonment of the owner/developer or any officer directly in-charged of the subdivision for six (6) months;

8.3 For Third Offense – an imprisonment of the owner/developer or any officer directly in-charged of the subdivision for one (1) year and or the revocation of the development permit and the cancellation of the permit to sell of the remaining unsold lots of the subdivision.

The foregoing penalties imposed by this Ordinance are not without prejudice to the filing of other charges, criminal or civil, and the imposition of penalties by other Ordinances and national laws legislated for this purpose.

Barangay Officials who shall deliberately fail to implement this Ordinance shall be meted a suspension from office for six (6) months without pay and without prejudice to other penalties that may be imposed by other Ordinances and national laws legislated for this purpose.

Section 9. Repealing Clause - Local Ordinances, Resolutions, Orders, Rules and Regulations that are inconsistent with this Ordinance are hereby repealed, modified or amended accordingly.

Section 10. Separability Clause – If any provision of this Ordinance is declared unconstitutional and or illegal, the remainder of this Ordinance shall not be effected by such declaration and shall therefore, be in full force and effect.

Section 11. Effectivity Clause – This ordinance shall take effect immediately 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 9th day of February 2005.