

EXCERPT FROM THE JOURNAL OF THE REGULAR SESSION OF THE SANGGUNIANG BAYAN OF GERONA, HELD AT THE SESSION HALL, ON MONDAY, 08 DECEMBER 2014 AT 9:00 A.M.

PRESENT:

Hon. Holden N. Sembrano	- Vice Mayor and Presiding Officer
Hon. Eloy C. Eclar	- Municipal Councilor
Hon. Agerico S. Batenga	- -do-
Hon. Edwin R. Yamoyam	- -do-
Hon. Eufrocino A. Bartolome, Jr.	- -do-
Hon. Pacifico L. Agudo	- -do-
Hon. Daisy Diamsay-Mamba	- -do-
Hon. Raul P. Cruz	- -do-
Hon. Leopoldo S. Trivinio	- -do-
Hon. Ronnie R. Jumawid, Sr.	- ABC President

ABSENT:

None

ORDINANCE NO. 453

Series of 2014

AN ORDINANCE

REGULATING THE CONSTRUCTION, OPERATION AND MAINTENANCE OF BUILDINGS IN THE MUNICIPALITY OF GERONA, IMPOSING PENALTIES TO VIOLATORS THEREOF; AND SUPPLEMENTING THE BUILDING CODE OF THE PHILIPPINES FOR THE PURPOSE.

WHEREAS, Sec. 447 par (2) sub par (vi) (ix) Powers, Duties, Functions and Compensation.

- (vi) Provide reasonable limits and restraints on the use of property within the jurisdiction of the municipality.
- (ix) Enact integrated zoning ordinances in consonance with the approved Comprehensive Land Use Plan (CLUP), subject to existing laws, rules and regulations; establish fire limits or zones, particularly in populous centers; and regulate the construction, repair or modification of buildings within said fire limits or zones in accordance with the provisions of the Fire Code.

WHEREAS, Sec 447 par (4) sub par (ii), (vi) Powers, Duties, Functions and Compensation.

- (4) Regulate activities relative to the use of land, buildings and structures within the municipality in order to promote the general welfare and for said purpose shall:
 - (ii) Require that buildings and the premises thereof and any land within the municipality be kept and maintained in a sanitary condition; impose penalties for any violation thereof, or upon failure to comply with said requirement, have the work done and require the owner, administrator or tenant concerned to pay the expenses of the same; or require the filling up of any land or premises to a grade necessary for proper sanitation.
 - (vi) Regulate the establishment and provide for the inspection of steam boilers or any heating device in buildings and the storage of inflammable and highly combustible materials within the municipality.

NOW THEREFORE, on motion of Honorable Eloy C. Eclar, Chairman of the Committee on Public Works, Housing, Transportation and Communication and duly seconded.

BE IT ORDAINED by the Sangguniang Bayan of Gerona, Tarlac, in session assembled, that an ordinance be as it is hereby enacted.

Section 1. Title. This ordinance shall be known and cited as the “**BUILDING CONSTRUCTION, OPERATION AND MAINTENANCE REGULATION**” of the Municipality of Gerona.

Section 2. Definition of Terms. General and accepted definition as used in engineering principles and procedures, the definitions in the Comprehensive Land Use Plan (CLUP) and the zoning ordinance of the municipality shall be the guiding parameters of this ordinance and in addition the following shall mean:

- 2.1 **BUILDING INSPECTOR** – the duly authorized person by the municipality to assess, evaluate and monitor the construction, operation and maintenance of the proposed structure. In the absence of the authorized person, the municipal engineer is automatically authorized to act as the building inspector.
- 2.2 **ZONING INSPECTOR** - the duly authorized person to verify that the proposed construction site is within the Comprehensive Land Use Plan and Zoning Ordinance of the municipality. In the absence of a Zoning Inspector, the Zoning Officer of the municipality is automatically authorized to act as Zoning Inspector, and shall recommend to the Sangguniang Bayan and other authorities remedies in case the site is outside the Comprehensive Land Use Plan or Zoning Ordinance of the municipality.

Section 3. Mandatory Requirements:

- 3.1 All 2 storey buildings with an aggregate usable floor area of five hundred square meters (500 sq.m.) shall be required to submit structural design and analysis plan.
- 3.2 All buildings or structures which are more than 3 storey or more than 15 meters in height shall be required to submit structural design and analysis plan, soil testing and boring analysis.
- 3.3 All heavy industrial buildings shall be required to submit the above. (3.2)
- 3.4 In addition to the required easement, all commercial, and industrial buildings with an aggregate usable floor area of two thousand square meters (2,000 sq.m.) or more shall provide parking and delivery space of not less than 20% of the aggregate usable floor area
- 3.5 All establishments that stores inflammable and highly combustible materials shall be required to secure special use permit.
- 3.6 All establishments that uses steam boilers, or any heating devices in their establishments shall be required to secure special use permit.
- 3.7 All establishments shall be kept and maintained in a sanitary condition.
- 3.8 All buildings or structures constructed without building permits but otherwise shall have been required to secure one, shall be required to submit as built plan and pay the corresponding penalties and rectify violation if there be.

Section 4. Penal Provision.

- 4.1 Any person or juridical entity who violates any provision of this ordinance pertaining to construction shall be fined of two thousand five hundred pesos (P/2,500.00) and suspension of building permit until the violations committed had been remedied or rectified within ninety days (90) from the issuance of cease and desist order. However, if nothing substantial to rectify or remedy the violation committed within the ninety day (90) period, the building permit is deemed cancelled without prejudice to application of a new building permit.

- 4.2 Any person or juridical entity who violates any provision of this ordinance with regards to operation and maintenance shall be fined of two thousand five hundred pesos (P/2,500.00) and warning on the first offense and two thousand five hundred pesos (P/2,500.00) and revocation or cancellation of permit to operate on the second offense.

Section 5. Separability Clause.

- 5.1 All municipal ordinances, including the Comprehensive Land Use Plan which are inconsistent with any provision of this ordinance shall be deemed repealed, modified or amended accordingly.
- 5.2 If for whatever reason, any provision of this ordinance be declared contrary to National Law, Presidential Decree and the Building Code of the Philippines, the provisions not affected shall be in full force and effect.

Section 6. Effectivity Provision. This ordinance shall take effect immediately upon approval and satisfaction of the provisions of the Local Government Code as to posting and publication.

I certify that the above quoted ordinance was unanimously approved by this Sanggunian during its regular session held on 08 December 2014.

JECIEL M. IGLESIA
Secretary to the Sangguniang Bayan

ATTESTED TO BE DULY ENACTED:

HOLDEN N. SEMBRANO
Municipal Vice Mayor and Presiding Officer

APPROVED: _____, 2014

DENNIS NORMAN T. GO
Municipal Mayor