



Republic of the Philippines
Province of La Union
MUNICIPALITY OF AGOO

OFFICE OF THE SANGGUNIANG BAYAN

CERTIFICATION

ANGKAPAN NG SANGGUNIANG PANLALAWIGAN
LA UNION

RECEIVED


BY
DATE 12-11-08

To Whom It May Concern:

This is to certify that a public hearing was conducted on October 20, 2008, 9:00 A.M. at the new Legislative Hall for the passage of Municipal Ordinance No. 27-2008, "AN ORDINANCE ENACTING THE ENVIRONMENT CODE OF THE MUNICIPALITY OF AGOO, LA UNION".

Issued for purposes of legislative review by the Sangguniang Panlalawigan of La Union.

11 December 2008, Agoo, La Union.


ERNESTO N. OFLAZA, JR.
Sanggunian Secretary



RECEIVED

BY
DATE 13-11-08

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by: [unclear]
1-20-09*

MUNICIPAL ORDINANCE NO. 27-2008

Authors: SBM Rogelio R. de Vera, SBM Violeta L. Balbin and SBM Josephus R. Komiya
Sponsored by All Members of the Sangguniang Bayan

**ENACTING THE ENVIRONMENT CODE
OF THE MUNICIPALITY OF AGOO, LA UNION**

Be it ordained by the Sangguniang Bayan of Agoo, La Union, that:

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CHAPTER I

**Article 1
General Provisions**

*PNP
Reviewed by [unclear]
1/20/09*

Section 11.01. Title and Scope. This Code shall be known and cited as the Environment Code of the Municipality of Agoo. It covers all ordinances, resolutions and related legislations enacted over the years, as well as provisions from national laws relevant to the protection, conservation, utilization and management of the environment, specifically along the areas of land, water and air.

Section 11.02. Statement of Purpose. The purpose of this Code is to integrate the planning, implementation, monitoring and evaluation of programs, projects, services and activities on Land Resource Management, Water and Marine Resource Management, and Air Quality Management through effective and efficient legislative enactment with the end in view of attaining a healthful, balanced and sustainable environment for a better quality of life for the constituents of the Municipality of Agoo.

Section 11.03. Form and Style. Some provisions of this Code preserved the original text and form of ordinances in which they were passed, while others have been rewritten in the process of consolidation or simply for the sake of clarity and style.

Section 11.04. Reference to Code. Whenever reference is made to any portion of the Code the reference applies to all amendments and additions now or hereafter made.

Section 11.05. Relation of Code to Existing Ordinances. The provisions of this Code in so far as they bear substantially the same subject matter as the ordinances included in this codification shall be construed as restatements and continuations and not as new enactments.

Section 11.06. Conflict with Different Sections. Should the provisions of the different sections in this Code conflict or contravene with one another, the provisions which is last in the ordinal sequence shall govern.

Section 11.07. Existing Rights. No right accrued, action or proceeding commenced before the effectivity of this Code shall be adversely affected by any provisions hereof. Thereafter, all procedures or actions to be taken shall conform to the provisions of this Code whenever possible.

Section 11.08. Rules in Interpreting the Code.

[Handwritten signatures and initials]



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- A. General Rule. All words and phrases shall be construed and understood according to the common and approved usage of the language; but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to that peculiar and appropriate meaning.
- B. Person. The word "person" shall extend and be applied to natural and juridical persons such as firms, corporations or voluntary associations, unless plainly inapplicable.
- C. Tenses. The use of any verb in the present tense shall include the future when applicable.
- D. Shall Have Been. The word "shall have been" shall include past and future cases.
- E. Shall. "Shall" is mandatory.
- F. May. "May" is permissive.
- G. Reasonable Time or Notice. In all cases where any provision of this Code shall require any act to be done in a reasonable notice to be given, that reasonable time or notice shall mean such time only as may be necessary for the prompt performance of that duty or compliance with that notice.
- H. Computation of Time. When the Code refers to a day that means a working day for government offices beginning from 8:00 in the morning up to 5:00 in the afternoon. A month consists of 30 days except when the particular month is mentioned where the number of days within that month shall be basis of counting time.

Section II.09. Bases for Action. Considering the extent and complexity of environmental initiatives, the following local and international policy instruments and action programs are hereby considered to ensure an efficient, equitable and sustainable allocation, utilization, management and development of the Municipality's resources to wit:

- A. The Philippine Constitution.
- B. RA 7160 otherwise known as the "Local Government Code of 1991".
- C. PD 1152 otherwise known as the "Philippine Environment Code" prescribing specific environment management policies and environment quality standards.
- D. PD 984 amending RA 3931 otherwise known as the "Pollution Control Law" prescribing specific policies on pollution control and declaring as a national policy the maintenance of a reasonable standard of purity for the waters and air with their utilization for domestic, agricultural, industrial and other legitimate purposes.
- E. PD 1067 otherwise known as the "Water Code of the Philippines" establishing the basic principles and framework relating to the appropriation, control and conservation of water resources to achieve the optimum development and rational utilization of these resources; defining the extent of the rights and obligations of water users and owners including the protection and regulation of such rights; declares that all waters belong to the State; and, declaring that all waters that belong to the State cannot be subject to acquisitive prescription.



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- F. PD 1151 otherwise known as the "Philippine Environment Policy" declaring as a continuing policy of the State to create, develop, maintain and improve conditions under which man and nature can thrive in productive and enjoyable harmony with each other; to fulfill the social, economic and other requirements of present and future generations of Filipinos; and, to insure the attainment of an environmental quality that is conducive to a life of dignity and well-being.
- G. RA 6969 otherwise known as the Toxic Substance and Hazardous and Nuclear Waste Control Act of 1990" prescribing measures to control toxic substances and hazardous and nuclear wastes, and providing penalties for violations and for other purposes.
- H. PD 704 otherwise known as the "Fisheries Decree of 1975" declaring as a policy of the State to accelerate and promote the integrated development of the fishery industry and proper conservation and protection.
- I. PD 705 otherwise known as the "Revised Forestry Code of the Philippines: revising PD 389 (Forestry Reform Code of the Philippines) declaring the following: the multiple uses of forest lands shall be oriented to the development and progress requirements of the country, the advancement of science and technology, and the public welfare; land classification and survey shall be systematized and hastened; the establishment of wood processing plants shall encourage and rationalize and, the protection, development and rehabilitation of forest lands shall be emphasized so as to ensure their continuity in productive condition.
- J. PD 1181 (Motor Vehicle Pollution Control Law) providing for the prevention, control and abatement of air pollution from motor vehicles in order to protect the health and welfare of the people and to prevent or minimize damage to property and hazards to land transportation.
- K. PD 600 otherwise known as the "Marine Pollution Decree of 1974" declaring a national policy to prevent and control the pollution of seas by the dumping of wastes and other matter which create hazards to human health, harm living resources and marine life, damage amenities, or interfere with the legitimate uses of the sea within the territorial jurisdiction of the Philippines.
- L. PD 1586 establishing an environment impact statement system, including other environmental management related measures founded and based on the environmental impact statement required, under Section 4 of PD 1151, of all agencies and instrumentalities of the national government-owned or controlled corporations, as well as private corporations, firms and entities, for every proposed project and undertaking which significantly affect the quality of the environment.
- M. PD 856 otherwise known as the "Sanitation Code of the Philippines".
- N. RA 8749 otherwise known as the "Philippine Clean Air Act of 1999".
- O. RA 9147 otherwise known as the "Wildlife Resources Conservation and Protection Act".
- P. RA 7586 otherwise known as the "National Integrated Protected Areas System Act of 1992" of the NIPAs Law.



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- Q. RA 7279 providing for a comprehensive and continuing urban development and housing program, and establishing the mechanism for its implementation, and for other purposes.
- R. PD 1216 defining "Open Space" in residential subdivisions and amending section 31 of Presidential Decree No. 957 requiring subdivision owners to provide roads, alleys, sidewalks and reserve open space for parks or recreational use.
- S. PD 953 requiring the planting of trees in certain places and penalizing unauthorized cutting, destruction, damaging and injuring of certain trees, plants and vegetation.
- T. Department Administrative Order 14 otherwise known as the "Revised Quality Standards of 1992, series of 1993, Revising and Amending Air Quality Standards of 1978".
- U. National Land Use Act.
- V. RA 9275 providing for a comprehensive water quality management and for other purposes.
- W. RA 9003 providing for an ecological solid waste management program, creating the necessary institutional mechanisms and incentives, declaring certain acts prohibited and providing penalties, appropriating funds therefore, and for other purposes.

Article 2
Definition of Terms

Section I2.01. The herein terms are conceptually and/or operationally defined as follows:

- A. Agricultural Lands – lands of public domain which are neither forest, mineral lands nor national park.
- B. Ambient Air Quality – the average atmospheric purity as distinguished from discharge measurements taken at the source of pollution. It is the general amount of pollution present in a broad area.
- C. Buffer – an identified area outside the boundaries of and immediately adjacent to designated protected areas that need special development control in order to avoid or minimize harm to the protected area.
- D. Municipal Waters – include not only streams, lakes and tidal waters within the territorial jurisdiction of the Municipality, not being the subject of private ownership, and not included within national parks, public forests, timber lands, forest reserves or fishery reserves; and marine waters included between two (2) lines drawn perpendicularly to the general coastline from points where the boundary lines of the Municipality touch the sea at low tide and a third line parallel with the general coastline and fifteen (15) kilometers from such coastline.
- E. Cover Crop Planting – the process of conditioning denuded areas which are highly cogonal, rocky or erodible calopognium, stylosanthes, desmodium, lablab, bean, psophocarpus, patani, or by planting suitable non-legumes such as morning glory vine, wild sunflower and kikuyu grass, in order to improve soil fertility, organic matter, and water holding capacity prior to or concurrent with the planting of trees and other perennials in such area.

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- F. Emission – any air contaminant, pollutant, gas stream or unwanted sound from a known source which is passed into the atmosphere.
- G. Enrichment Planting – process of interpreting fuel wood, timber and non-timber crops in adequately-stocked reforestation projects previously implemented for the purpose of increasing wood supply for the people and enhancing the income-generating potential of such projects.
- H. Excessive – going beyond the limit of what is needed, tolerable or desirable.
- I. Generation – the act or process of producing solid waste.
- J. Greenhouse Gases – gases such as carbon dioxide, methane and oxides of nitrogen, chlorofluorocarbons and the others that can potentially or can be reasonably be expected to induce global warming.
- K. Groundwater – refers to that portion of the rainwater which has percolated into the earth to form underground deposits called aquifers.
- L. Habitat – a place or environment where species or subspecies naturally occur or has naturally established its population.
- M. Hazardous Chemicals – any chemicals potentially dangerous to the environment and to people because of chemical reactivity, toxicity, flammability and explosiveness.
- N. Incineration – the burning of biomedical and hazardous wastes which process emits toxic and poisonous fumes.
- O. Land Classification – assessment, appraisal, and determination of land potentials which include survey and classification of land resources and the study and mapping of soil.
- P. Land Development – improvement of land to make the land more suitable for future use or resale as developable lots for housing or other purposes.
- Q. Land Use Planning – the act of defining the allocation, utilization, development, and management of all lands within a given territory or jurisdiction according to the inherent qualities of the land itself and supportive of economic, demographic, socio-cultural and environmental objectives as an aid to decision making and legislation.
- R. Non-point Source – refers to a source of pollution; these are inputs that occur over a wide area and are associated with particular land uses as opposed to individual point source discharges. Examples are soil erosion and sediment run-off from forestry operations, solid waste washed into water bodies, pesticides and fertilizers washed into streams in rainfall run-off, sewage generated by households, soil and sediment from construction sites, and run-off from street surfaces contaminated with car oil, fuel, dust and animal feces.
- S. Point Source – refers to a source of pollution; these are the readily identifiable inputs where waste is discharged to receiving waters from a pipe or drain such as industries and business establishments such as film developing shops, dry cleaners and clinics.
- T. Pollutant – any substance whether solid, liquid or gas which directly or indirectly:
 - a. alters the quality of any segment of the receiving environment so as to affect or tend to affect adversely any beneficial use thereof;
 - b. is hazardous or potentially hazardous to health;



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- c. imparts objectionable odor, noise, temperature change, or physical, chemical or biological change to any segment of the environment; or
 - d. is in excess of allowable limits or concentrations or quality standards specified, or in contravention of the condition, limitation or restriction prescribed in the permit issued
- U. Pollution – the man-made or man-induced alteration of the physical, biological, chemical, and radiological integrity of any land, water or air resource.
 - V. Pollution Control Device – any device or apparatus that is used to prevent, control or abate the pollution of air caused by emissions from identified sources at the levels within the air pollution standards established by the Department of Environment and Natural Resources.
 - W. Quiet Zones – areas within the Municipality in which blowing of horns is prohibited.
 - X. Sanitary Landfill – a land disposal site employing an engineered method of disposing solid waste on land in a manner that minimize environmental hazards by spending the solid waste in thin layers, composting the solid waste to the smallest volume, and applying cover material at the end of each operating day.
 - Y. Service Stations – commonly known as gasoline stations, auto repair shops, car washing centers and all other establishments or entities where services for motor vehicles may be obtained such as, but not limited to, fuel, oil, water, air for tire, greasing and repair.
 - Z. Solid Waste Management – the discipline associated with the 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, and that is also responsive to public attitudes.
 - AA. Stationary Source – any building or fixed structure, facility or installation that emits or may emit any air pollutants.
 - BB. Vicinity – an area immediately in front, at the side or back of any public building, church, hospital or school.
 - CC. Watershed – a land area drained by a stream of fixed body of water and its tributaries having a common outlet for surface run off.
 - DD. Water Appropriation – the acquisition of rights over the use of waters or the taking or diverting of waters from the natural source in the manner and for any purpose allowed by law.
 - EE. Zoning – the delineation/division of a Municipality into functional zones where only specific land uses are allowed. It directs and regulates the use of all in the community in accordance with an approved or adopted land use plan for the Municipality. It regulates land uses and prescribes limitations on structures/infrastructures thereon.

Article 3
Environmental Assessment

Section I3.01. Environmental Management of Industries and Commercial Establishments. The Municipal Government shall ensure that proposed projects needing

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the approval of the Municipality and requiring the issuance of a permit will not cause a significant negative environmental impact on the physical, biological and socio-economic environment. To this end, prior to the issuance of a Business Permit, all business establishments shall be subjected to an annual environmental evaluation by the Municipal Environment and Natural Resources Office to determine if they have complied with requirements under this Code and standards set by the Department of Environment and Natural Resources (DENR) and other concerned National Agencies. If found adversely contributing to pollution, corrective measures shall be undertaken prior to the issuance of the Business Permit. The inspection shall include the operations, premises, facilities and systems including solid and water waste disposal systems of all industrial, manufacturing and similar business establishments. Refusal to be subject to inspection shall be sufficient ground for non-issuance or non-renewal of Business Permit.

For the purpose, the Municipal Environment and Natural Resources Office shall devise an environmental monitoring system to ensure that all establishments conform to environmental standards set by the DENR.

Section 13.02. Environmental Permit. All industrial and commercial firms/establishments shall, prior to the issuance of Business Permit, secure an Environmental Permit from the Municipal Environment and Natural Resources Office for a fee of Three Hundred Pesos (Php300.00).

Section 13.03. Environmental Audit. There shall be conducted once every two (2) years an environmental audit to determine the changes in land use resources, state of water and marine uses, biodiversity, demographic dynamics, air and other important aspects of environmental management and ultimately to establish the causes and effects of such changes on the life of the people and the exercise of regulatory powers of the Municipal Government.

**CHAPTER II
LAND RESOURCE MANAGEMENT**

**Article 1
General Provision**

Section III.01. Statement of Policy. The Municipality of Agoo shall provide a rational, orderly and efficient acquisition, utilization and disposition of land and its resources in order to derive therefrom maximum benefits, and shall encourage the productive use and conservation of the same.

It shall accord high priority to land use protection in all aspects of land use specifically the protection of critical ecosystems and biodiversity from further human encroachment, the regeneration and rehabilitation of degraded land resource, the protection of the constituents from environmental hazards, and the preservation, enhancement of and sustainability of the benefits derived from maintaining the integrity of the nation's land resources.



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Article 2
Land Use Planning

Section II2.01. The Comprehensive Land Use Plan. The Comprehensive Land Use Plan of the Municipality and its accompanying Zoning Ordinance are hereby adopted.

The Municipal Government shall continue to update or revise as may be necessary the Municipal Land Use Plan and the Zoning Ordinance in order to address the current trends and changing needs and demands of the local constituents while being consistent with the guidelines stipulated in the National Land Use Act (NaLUA).

Section II2.02. On the Development of Human Settlements. The continuing review of the Municipal Land Use Plan shall be pursued on the basis of an orderly and efficient development of human settlements while preserving the integrity of the environment. To this end, the establishment of areas for solid waste disposal, urban forest and open or green spaces and recreational areas where people can commune with the environment shall be prioritized. Amid the complexities of urban life, the Municipal Government shall recognize the need for sustained environmental soundness within communities and maintenance of a healthy populace.

Section II2.03. Industrial Zones and Urban Centers. Industrial zones and urban centers shall be buffered away from human settlements in the Municipality and shall be located in areas as provided in the Zoning Ordinance. Moreover, industries shall incorporate into their development plans adequate and efficient sanitation procedures/programs, waste treatment facilities and effluent discharge systems to avoid undesirable demographic consequences. The absence of such waste disposal and management systems shall be sufficient ground to disapprove the industrial project.

Section II2.04. The Zoning Review Committee. The Zoning Review Committee created by the Municipal Development Council pursuant to an adopted Ordinance No. 394-97 from time to time shall review the Zoning Ordinance for the following purposes:

1. Determine amendments or revisions necessary in the Zoning Ordinance because of changes that might have been introduced in the Comprehensive Municipal Development Plan.
2. Determine changes to be introduced in the Comprehensive Municipal Development Plan in the light of permits given, and exceptions and variances granted.
3. Identify provisions of the Zoning Ordinance that are difficult to enforce or are unworkable.

To this end, the Committee shall recommend to the Sangguniang Bayan through the Office of the Municipal Mayor the necessary legislative amendments and the needed changes in the plan as a result of the review conducted.

Section II2.05. Creation of the Land Use Information and Monitoring Center. There shall be created in the Municipal Planning and Development Office (MPDO) a Land Use Information and Monitoring Center which shall be responsible for the following:



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- A. Inventory of all land resources.
- B. Continuing resource accounting and assessment program in order to generate the proper data sets, including geographical information systems (GIS) from which to base policy reforms.
- C. Monitoring of trends in the movements of population from rural to urban, urban to urban, and urban to rural areas ensuring that the information generated will be used in land use planning.

Article 3

Land Speculation and Development

Section II3.01. Land Speculation and Development. The Municipal Government shall ensure that all land speculation and development activities conform to existing laws on land uses and environmental impact assessments issued by the Land Management Bureau and the DENR. To this end, the MPDO shall monitor through the Land Use Information and Monitoring Center any activities related to land speculation and development that may lead to unproductive uses, loss of aesthetic value and ecological degradation. The MPDO shall further devise an accreditation system for developers and speculators to ensure that their plans are consistent with and will positively benefit and support the municipal development and environmental plans.

Section II3.02. Requirements for Land Development. No person shall introduce any development or construction on a parcel of land, nor convert the present use thereof without first applying for clearance/permit/approval from the MPDO.

If the land development will involve earth movement, the owner or developer of the land shall include among the requirements to be submitted to the MPDO the volume of earth to be moved and secure a certification from the barangay as regards the same.

Section II3.03. On Earth Movement. Earth movement within the territorial limits of the Municipality of Agoo shall be governed by the following rules.

- A. The owner or developer of the land from where the earth is obtained shall pay Earth Moving Fee according to the following schedule upon presentation to the Municipal Treasury a certification from the barangay as to the volume of earth to be moved.

For every truckload of:

1. Five (5) cubic meters and below Php50.00
2. Six (6) to eight (8) cubic meters Php70.00
3. Above eight (8) cubic meters Php100.00

- B. In the case of land filling, the owner or developer of the land shall prior to filling secure from the barangay a certification as to the area to be filled and thereafter pay a fee of Ten Pesos (Php10.00) per square meter at the Municipal Treasury.
- C. Fees collected shall be shared equally between the Municipal Government and the barangay where the earth is moved or where the land filling takes place.
- D. The share of the barangay shall be forfeited in case of failure to report the earth movement in their jurisdiction.



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Section II3.04. On Excavation. The rules and regulations governing the excavation of public roads, streets and sidewalks in the Municipality of Agoo shall be as provided in Article 10 of 2002 Revenue Code.

Section II3.05. Urban Forests, Greenbelt Areas and Open Spaces or Parks. The Municipal Government shall establish urban forests, greenbelt areas and open spaces or parks within the Municipality.

Section II3.06. Allocation of Open Space. Pursuant to Presidential Decrees 953, 957 and 1216, the owner as developer of a condominium or subdivision shall reserve an area of the condominium or subdivision, exclusive of roads, service streets and alleys, for open space for parks and recreational areas. In the absence thereof, the Sangguniang Bayan shall not issue a Development Permit, neither a Certificate of Completion from the MPDO.

Such areas within the subdivision reserved for parks, playgrounds and recreational use shall be non-alienable public lands and non-buildable.

Section II3.07. Greening of Street Shoulders and Islands. Streets islands as well as both shoulders of all roads or streets within the territorial jurisdiction of the Municipality of Agoo shall be planted with shade or ornamental trees. To this end, barangays shall undertake greening projects in roads or streets within their jurisdiction.

The plans of subdivision and condominium projects shall include a planting strip along streets and roads. For the purpose, a "Tree Planting Scheme" specifying therein the species of trees to be planted shall be submitted. Otherwise, no Development Permit and Certificate of Completion shall be issued for the subdivision project, and no Occupancy Permit shall be issued for the condominium.

Section II3.08. Barangay Greenbelt Development Program. All barangays shall develop, manage and maintain a greenbelt area within their jurisdiction where barangay roadsides shall be the primary areas to be developed.

Section II3.09. Squatting and Slums. Squatting is strictly prohibited within forest reserves, salvage zones, vacant lots, abandoned buildings, along roadsides, flood prone waterways, and similar areas in the Municipality.

**Article 4
Forest and Other Botanical Resources**

Section II4.01. Forest Resource Inventory. There shall be an intensive forest resource inventory which shall be used in forest delineation, classification and mapping especially on the existing micro watersheds, alienable and disposable forest lands, forest reserves based on the classification of the DENR. The same shall further be the basis of the formulation of future policies as regards land utilization.

Section II4.02. Declaration of all Suitable Public Lands as Protection Forests. Consonant to the NaLUA, all suitable public lands shall be declared as protection forests. While allowing its use for agricultural production and production of raw materials for cottage-based industries, the rehabilitation, regeneration and continued protection of all declared protection forests shall be carried out.

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Section II4.03. Creation of the Bantay Gubat Kalikasan Task Force. There shall be created a Bantay Gubat Kalikasan Task Force in the Municipality, a community based group which shall be responsible for the management and protection of parks, forest reserves, sanctuaries and other protected landscapes.

Section II4.04. Reforestation. Tree planting and reforestation shall be a continuing priority of the Municipality of Agoo. Priority areas for tree planting shall be as follows:

- A. Along riverbanks.
- B. In barangays.
- C. Marginal and Mangrove forest areas.
- D. Eroded slopes.
- E. Areas with high historical value.
- F. Areas of high biodiversity.
- G. All open spaces within the municipality, especially in residential and commercial areas, including street islands of all major roads and barangay roads, promenades, parking area peripheries, and in wide sidewalks as may be suitable.

Section II4.05. Numbering of Trees. The MENRO shall keep a registry of all trees whether in private or public land that are of maturing age specifying thereto the classification of trees by species, a basic description of its location and information on ownership. The information will aid in the implementation of the ban on cutting of trees.

Section II4.06. Ban on the Cutting, Burning and Destroying of Trees. The cutting, burning and destroying of trees, whether in private or public land, shall be banned unless such cutting is extremely necessary and shall result to long-term benefits for the citizenry. Any exemption shall be allowed only upon securing a Clearance to Cut for a fee of Three Hundred Pesos (Php300.00) for every tree from the MENRO.

The cutting, burning and destroying of old growth trees in private lands shall be allowed as a measure to eradicate over-mature or unproductive trees and for purposes of public safety. The cutting, burning and destroying of such trees shall however be reported to the MENRO for records purposes.

It shall be the obligation of any individual to replace every tree that he/she cut, burned or destroyed within his/her property, the planting of which may be done within the property of the owner or in any vacant lot to be reported to the MENRO for purposes of recording and monitoring.

Section II4.07. Prohibited Acts in Relation to Trees. It shall be unlawful for any person to:

- A. Cut, injure, destroy, damage, climb, gather fruits and flowers of, or cut branches or any parts of trees planted along public roads, parks and other public grounds except as demanded by public safety.
- B. Post by use of nails or any similar tools injurious to trees, or hang by use of rope, wire or chain bills, placards, posters, advertisements, billboards or signboards of any kind on the trunk or other parts of such trees.
- C. Cause or permit any wire charged with electricity to be placed or attached to the trunks of trees.



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- D. Allow gaseous, liquid or solid substances harmful to trees to come in contact with their roots, trunks or leaves.
- E. Fasten, tie or let lean an animal drawn cart, bicycle or motorcycle to or on a tree.
- F. Let loose, fasten, tie or let any animal stand so near a tree or any plant so as to allow that animal to gnaw on the trunk, branches or leaves of such tree or plant or even injure the same.

Section II4.08. Maintenance of Trees. Trees located along or near roadsides shall not be allowed to grow beyond seventeen (17) feet. Pruning of trees within private properties shall be undertaken by the owner.

Section II4.09. Ban on Slash and Burn. The practice of slash and burn shall be banned except for DENR permittees whose activities shall be monitored by the Municipality to ensure compliance to the terms and conditions of their lease contracts with the DENR. They shall undertake the sustained rehabilitation of their areas, or portions of it, through assisted natural regeneration which is an integral component of the lease contract. Failure to comply shall subject the violator to payment of a corresponding fine and shall be a valid reason for the Municipality to recommend the cancellation of or denial of renewal of their license, concession or permit.

Section II4.10. Regulation on Bamboo Harvesting and Selling. The harvesting and selling of bamboo shoot shall be prohibited from May to September every year. Market denials shall be in effect on the same period.

The selling of bamboo poles shall be allowed upon payment of Five Pesos (Php5.00) for every pole cut, the proceeds of which shall be shared equally between the Municipality and the barangay where the bamboo was gathered/harvested.

Section II4.11. Regulation on Gathering "Labtang" Vines. It is hereby prohibited to gather "labtang" vines that are less than one (1) inch in diameter. It is further prohibited to uproot the plant when gathering the vines.

Section II4.12. Regulation of Chain/Power Saws. All owners of chain/power saws and similar tree-felling equipment shall register their equipment/tools and secure a Permit to Operate the same for legitimate purposes for a fee of One Thousand Pesos (Php1,000.00). Failure to register or secure a Permit shall subject the user/possessor to payment of a corresponding fine and the confiscation of his equipment.

Every Permit to Operate a chain/power saw for commercial purpose shall be valid for two (2) years upon issuance. The Permit issued to non-commercial orchard and fruit tree farmers shall be valid for five (5) years upon issuance. The MENRO with the assistance of the DENR shall organize an annual seminar regarding the laws, regulations and safety on tree cutting which shall be attended by all owners/operators of power/chain saws prior to the issuance of a Permit.

Section II4.13. Adopt a Tree/Street/Park/Mountain Program. The Municipal Government through the MENRO shall promote an adoption program of a tree, street, park or mountain where the participation of households, barangays, non-government associations, national government agencies and other related entities shall be encouraged. For the purpose, the MENRO shall formulate the implementing rules and regulations of the program.



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Households shall be encouraged to adopt certain trees near their residences for them to take care of to ensure their protection and growth; while barangays, non-government organizations, national government agencies and other related entities shall be encouraged to adopt a street, park or mountain to garden/landscape, rehabilitate or reforest.

Section II4.14. Preservation of Flora and Fauna. Hunting, trading, collecting, gathering, acquiring, transporting or mere possession of plants, animals or other products derived from protected areas within the territorial jurisdiction of the Municipality as well as flora and fauna shall be banned. Persons authorized by any concerned National Agency shall inform the MENRO for purposes of monitoring prior to engaging in such activities.

Section II4.15. Seed Banks and Nurseries. The MENRO shall establish a seed bank and nursery for the continuing replenishment, propagation and improvement of ecologically and economically important flora particularly forest trees, ornamental plants, mangroves and related species.

Section II4.16. Management and Rehabilitation of Fragile and Important Habitats of Wildlife. The MENRO shall undertake activities to protect fragile and important habitats of wildlife in the Municipality.

Section II4.17. Reversion of Lands. Lands shall be reverted as follows:

- A. All lands which at one time supported the growth of tress and other vegetation that have eventually transformed the land to become ecologically aesthetic shall be recommended for reversion into public parks by the MENRO through the Mayor.
- B. All titled lands which have encroached into public lands shall be reverted to the public domain. For the purpose, the Municipal Government shall coordinate with the Bureau of Lands for the cancellation of such titles.

**Article 5
Agricultural Lands**

Section II5.01. Maintenance of Productivity of Agricultural Lands. All agricultural lands shall be maintained in its optimum productive state to ensure food security. Negative consequences of production and utilization shall be balanced with measures to improve the land's capacity to resuscitate and sustain its natural and nurturing processes consistent with sound environmental management.

Section II5.02. Strategic Agricultural Development Zone Map. The Municipal Agriculture Office shall keep a data bank on soil types, soil fertility and their relative geographic distribution and causes of soil degradation which shall serve as basis for policy refinements in the improvement of food production and prevention of the leaching or degradation of the top soil in farmlands. To this end, a Strategic Agricultural Development Zone map shall be prepared.



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Section II5.03. Soil Conservation. The Municipality shall undertake a soil conservation program. Specifically, the following measures shall be adopted to maintain soil fertility and prevent erosion:

- A. Implementation of cover crop planting to condition denuded areas.
- B. Use of appropriate and guided farming techniques such as contour farming, contour strip cropping, green manure, cover crop, and mulch tillage, among others or a combination of any of the techniques such as the sloping agricultural land technology (SALT) to reduce soil erosion before attempting to control water flow.
- C. Implementation of enrichment planting using fuelwood or non-timber crops in between trees of reforested areas or open spaces in order to generate additional income for organized civic groups and indigenous communities as well as to enhance soil firmness and fertility.
- D. Implementation of associated rainwater management programs such as:
 - a. Infrastructure support in the form of “riprapping” or the construction of creek, river, and shore protection walls, which may be coupled with planting of vegetables dubbed as “vengineering”.
 - b. Provision of waterways and drainage.
 - c. Provision of detailed engineering design and construction, and construction of erosion control structures such as dams, and spillways.
- E. Banning the use of pesticides hazardous to public health, the environment and crops, and promoting Integrated Pest Management in agriculture, focusing on the adoption of environment-friendly biological techniques and use of botanical insecticides through the use of indigenous plants like Neem tree, “makabuhay”, “siling labuyo” and tobacco, among others.
- F. Promotion of Bio Intensive Technology (organic farming) to ensure staple and safe vegetable especially for core poor families. For the purpose, the “Gulayan sa Barangay” Program and “Mula Tunggal Balay” (MTB) shall be established under the Municipal Agriculture Office and the Municipal Health Office shall intensify the promotion of EcoSan.

Section II5.04. Discourage Reclassification of Agricultural Lands. Reclassification of agricultural lands shall be limited to ten percent (10%) of the total agricultural land area of the Municipality and shall only be done when extremely desirable and the negative effects of the reclassification are mitigated by preventive measures. In any case where reclassification is necessary, the appropriate environmental impact assessments shall be required before development is pursued.

Section II5.05. Operation and Management of a Multi-Purpose Municipal Plant Nursery. The Municipal Agriculture Office shall establish a Multi-Purpose Plant Nursery to ensure easy access to seedlings particularly for agro-forestry by interested farmers. Barangays especially those in far flung areas shall be encouraged to manage their own plant nurseries.



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Section II5.06. Establishment of Demofarms or Model Farm Projects. The Municipal Agriculture Office shall establish demofarms or model farm projects for marginal farmers to encourage sustainable farming, crop diversification and affordable technology.

**Article 6
On Tourism Areas**

Section II6.01. Beach Sheds. No permanent structures shall be constructed by owners/operators of beach sheds along the coastal shores of the Municipality of Agoo. Improvement, upgrading and construction of erosion control infrastructures shall be done in consultation with the Municipal Government. No individual septic tanks shall be allowed to be constructed in the said beach shed areas. A centralized septic tank shall be provided, operated and managed by the association of beach shed owners/operators, the design, location and construction in accordance with existing laws and ordinances. All toilets and baths shall be hooked up to such septic tank.

Section II6.02. Tourism Establishment Facilities. There shall be enacted an ordinance on the regulation of tourism oriented establishments in the Municipality of Agoo.

Section II6.03. Preservation of Historical Buildings and Structures. No historical buildings and relics, whether private or public, shall be demolished or remodeled without the permission of the Municipal Government or the National Historical Institute.

**Article 7
Land Based Pollution Control**

Section II7.01. Identification of Sources of Pollution. Pollution from land based sources constitute a serious threat to the environment which may result to hazards in health, contamination of food, loss of biodiversity and degradation of coastal waters. The MENRO shall therefore identify point and non-point sources of wastes, the data to be the basis for the formulation of policies that are preventive and anticipatory rather than reactive. The following shall be policies to prevent pollution of land based resources.

Section II7.02. Hazardous Chemicals. In the absence of a technology and facility to handle toxic chemicals, the industry utilizing the same shall be responsible for its proper disposal in accordance with RA 6969 and other applicable laws.

The transport or transshipment thereof shall be banned in the Municipality without the necessary permits from the concerned National Agencies.

Section II7.03. Disposal of Slaughterhouse, Funeral, Cemetery and Crematorium, Hospital and Service Station Wastes. Disposal of waste by slaughterhouses, funeral parlors, cemeteries and crematoriums, hospitals and service stations shall be as provided in the Sanitation Code of the Municipality.

Section II7.04. Solid Waste Management. Upon completion of the Sanitary Landfill, an ordinance shall be enacted covering its operation and maintenance.



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Section II7.05. Waste Minimization. The Municipal Government shall promote waste minimization and all households, business establishments and industries within the territorial jurisdiction of the Municipality shall be encouraged to reduce generated waste. Business establishments and industries shall be required to submit a Diagramatic SWM Plan prior to issuance of an Environmental Permit.

Section II7.06. Segregation, Disposal and Collection of Solid Waste. The segregation, disposal and collection of solid wastes shall be as provided in the Solid Waste Management (SWM) Code.

Section II7.07. Barangay SWM Program. Barangays are mandated to formulate and implement a barangay based SWM program in accordance with Republic Act 9003. For the purpose, they shall put up a Material Recovery Facility and conduct continuing information and education campaign on solid waste management within their jurisdiction.

Section II7.08. Anti-littering. Littering shall strictly be prohibited in the municipality. For the purpose, the Municipal Government shall provide theft proof receptacles for biodegradable and non-biodegradable solid wastes at strategic locations and points within the territorial jurisdiction of the Municipality. Trash receptacles shall likewise be provided by owners/operators of public utility vehicles. Ambulant vendors shall carry with them plastic bags or containers on which to throw their waste.

Section II7.09. Junkshops. The operation of junkshops shall be in accordance with Ordinance No.05-2005.

Article 8
Miscellaneous Provisions

Section II8.01. Municipal Symbols. The following shall be adopted as municipal symbols and shall be protected, conserved, multiplied and maintained. Any act that tends to maliciously destroy, mutilate, defoliate, poison or harm any of the symbols shall be held criminally liable:

Municipal Tree – Aroho Tree
Municipal Flower – Santan
Municipal Bird – Maya
Municipal Fish – Tilapia

Section II8.02. Green Ribbon Award System. The MENRO shall formulate a ratio system, activity, plan and regulations for the Green Ribbon Award to which the 49 Barangays of the Municipality, public offices, commercial establishments, subdivisions and industries within the Municipality shall participate.

Section II8.03. Seminar for Newly Wed Couples. Couples applying for marriage license shall undergo a seminar on environmental protection as requirement before the issuance of said license. The couple shall moreover be encouraged to plant two (2) forestry or agro-forestry trees. The seedlings will be given for free as a gift from the Municipal Government.



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Section II8.04. On the Removal of Streamers. A fee of Five Hundred Pesos (Php500.00) for each streamer shall be paid by any person or group of persons seeking to hang the same in designated areas in the Municipality. The fee shall cover the prompt removal of streamers to avoid eyesores as well as danger to motorists that may be caused by damaged streamers.

CHAPTER III
WATER RESOURCE MANAGEMENT

Article 1
General Provisions

Section III1.01. Statement of Policy. The Municipality of Agoo shall ensure the integrated planning and sustainable management of all water resources within its jurisdiction whether coastal, marine, inland, subterranean or atmospheric, and shall encourage the productive use and conservation of the same to prevent an imbalance between the present needs of the Municipality and such resources. It shall endeavor to reduce conflicting uses and shall employ adequate mechanisms for consultation among diverse resource users in the management and planning of the Municipality's water resources.

Section III1.02. Ownership of Waters. In line with the provisions of the Constitution and as embodied in the Water Code of the Philippines, all waters belong to the State. Thus, water resources cannot be subject to acquisitive prescription. However, the State may allow the use and development of such resources by administrative concession. Control and regulation of water resources therefore rests on the government particularly its utilization, exploitation, development, conservation and protection.

Section III1.03. The following belong to the State:

- A. Continuous and intermittent waters of springs, creeks, streams, and brooks running in their natural beds and the beds themselves.
- B. All other categories of surface waters such as water flowing over lands, water from rainfall whether natural or artificial, and water from agriculture runoff, seepage and drainage.
- C. Atmospheric water.
- D. Subterranean or ground water.
- E. Seawater.

Section III1.04. The following waters found on private lands also belong to the State:

- A. Continuous or intermittent waters rising on such lands.
- B. Rain water falling on such lands.
- C. Subterranean or ground water.
- D. Waters in swamps and marshes.

The owner of the land where the water is found may use the same for domestic purposes without securing a permit, provided that such use shall be reported to the Municipal Government. The Municipality however may regulate the same when there is wastage or in times of emergency.



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Section III1.05. Water Resource Management Plan. A comprehensive water resource management plan shall be formulated and adopted. Apart from satisfying the immediate demand, the plan shall aim for long range planning of balancing water source availability with the increasing demand for potable water. It shall integrate sectoral programs for sustainable development of industries affecting water and coastal resource use such as tourism, human settlements, agriculture, ports and navigation, fisheries and waste disposal.

Section III1.06. Inventory, Classification and Mapping of Water Resources. The Municipal Government shall undertake an inventory, classification and mapping of water resources under its jurisdiction in order to generate an accurate data base on which policy decisions on the best use of the resources as well as the appropriation of waters and issuance of water utilization permits shall be based.

Section III1.07. Water Sources. The Municipal Government shall identify existing and potential water sources for domestic and municipal uses within its territorial boundaries to ensure that there shall be sources of water to satisfy the needs of the present and future.

For the purpose, the following shall be undertaken by the Municipal Government:

- A. Identify surface creek, stream, brook and spring sources along with subsurface aquifer systems. Data bases shall be established for these water sources along with adequate information on quantity and quality. Interim plans shall be established on how these water sources shall be accessed, tapped and developed. The data inventory of the water resources shall include their physical characteristics, location and types and shall be maintained and updated by the Municipal Government for future assessment. This data shall be stored and collated in a dynamic system where the information can be easily accessed and updated.
- B. Identify the watersheds within its territorial limits, declare them along with lands adjacent to such watersheds as protected areas, and incorporate them in the zoning plan. It shall adopt appropriate strategies of protection, conservation, utilization and enhancement in view of sustainable development. Measures/regulations to curb human and economic activities from damaging the pristine nature of water resources and the necessary reforestation measures shall be instituted to minimize land use threats to watersheds.
- C. Determine the contaminated water resources in the Municipality such as saltwater intruded areas and chemically contaminated areas as part of the environmentally affected areas. These areas shall be constrained in terms of utilization and exploitation and an advisory notice shall be issued. In the overall strategy, these areas shall be targeted for either containment or rehabilitation.

Section III1.08. Water Budget. The Municipal Government shall establish its own water budget on a periodic basis to determine its water needs and potentials. The approach shall be holistic enough to include all the major users of water and comprehensive enough to determine possible cause and effect scenarios of water utilization.



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Article 2
Utilization of Waters

Section III2.01. Order of Preference. The Municipality of Agoo shall ensure the equitable appropriation and efficient utilization of water resources to its constituents consistent with the order of preference adopted by the State as follows:

- A. Domestic
- B. Municipal
- C. Irrigation
- D. Power generation
- E. Fisheries
- F. Livestock raising
- G. Industrial use
- H. Recreational
- I. Other purposes

Uses of water for domestic purposes is the utilization of water for drinking, washing, bathing, cooking or other household needs, home gardens, and watering of lawns or domestic animals.

Use of water for municipal purposes is the utilization of water for supplying the water requirements of the community.

Use of water for irrigation is the utilization of water for producing agricultural crops.

Use of water for power generation is the utilization of water for producing electrical or mechanical power.

Use of water for fisheries is the utilization of water for the propagation and culture of fish as a commercial enterprise.

Use of water for livestock raising is the utilization of water for large herds or flocks of animals raised as a commercial enterprise.

Use of water for industrial purposes is the utilization of water in factories, industrial plants and mines, including the use of water as an ingredient of a finished product.

Use of water for recreational purposes is the utilization of water for swimming pools, bath houses, boating, water skiing, golf courses and other similar facilities in resorts and other places of recreation.

Section III2.02. Priority Uses of Water. The Municipal Government, in permitting public uses of its water and coastal resources, including the granting, licensing, awarding and revoking of concessions to use its resources and to establish settlements, put up industrial facilities, or set up economic endeavors, shall observe the following general priorities:

- A. Uses which enhance, conserve or protect the quality habitat and ecology of the waters and coastal resources.
- B. Uses which promote the greatest, long term benefits to the greatest number of people, particularly the local communities.

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- C. Uses which enhance and increase public access to the shoreline and navigable waters, except in areas of high biological and ecological sensitivity where the influx of large numbers of people is to be controlled in order to avoid alteration of fragile habitats and disruption of natural biological processes.
- D. Uses which increase public recreational opportunities along the coastal strip and on navigable waters where there is an unmet demand for such opportunities; provided that the resulting infrastructure build-up as a consequence of providing for various leisure activities such as bathing, diving, boating, fishing and tourism as a whole, will not negatively disrupt traditional fisheries, interfere with marine or aquatic life, cause adverse increases in nutrient inputs, nor eliminate important habitats. Consequently, development planning for the coastline as a whole shall include criteria and standards to permit the concentration of such facilities and structures within specially designated zones consistent with existent policies.

Section III2.03. Authority to Regulate the Use of Water. The Municipal Government shall protect the purity and quantity of water supply within its territorial jurisdiction, regulate the consumption, use or wastage of water, the use of pumps, and the drilling and excavation of the ground for the laying of water pipes and other structures, and protect the environment.

To this end, the Municipality shall identify heavy users of water and determine on a periodic basis the rate of extraction and utilization and require them to secure a Sanitary Permit, among other requirements, for water extraction and utilization. Water extraction charges shall be made based on the economic rent policy. The proceeds of this rent shall be used to support projects which provide adequate and safe water to the public.

The following actions shall be taken by the Municipality:

- A. On water concessionaires. Water meters shall be attached to water conveyance facilities. Concessionaires shall be compelled to report their water use to the Municipality.
- B. On other establishments. Establishments who extract water from private lands shall install production meters to determine the volume of water being extracted.

Section III2.04. Water Permit. The Municipal Government shall ensure that all users of water resources shall apply for a Water Permit from the National Water Resources Board. It shall be unlawful for any water user to engage in the use, development and utilization of water resources within the territorial boundaries of the Municipality without first securing such permit.

Section III2.05. Heavy users of water shall be required to formulate water recycling and reuse systems to minimize their water utilization.

The Municipal Government for its part shall establish water treatment facilities in the markets and the slaughterhouse and reuse the treated water.

When the reuse of wastewater is feasible, it shall be limited as much as possible to such uses other than direct human consumption. Distribution of such water for public consumption shall be allowed only after it is demonstrated that such consumption will not adversely affect the health and safety of the public.



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Section III2.06. Sanitary Permit for Well Drilling. No person shall drill a well without first securing a Sanitary Permit from the Municipal Government for a fee of One Hundred Pesos (Php100.00). A Water Permit shall likewise be applied for with the National Water Resources Board (NWRB) which shall determine the allowable depth, location, spacing and the manner in which such wells may be dug/excavated.

The Municipal Government shall reserve the right to revoke or cancel the Sanitary Permit for the extraction of ground water if this has been found to be detrimental to its sustainability or inimical to other higher priority water uses. In no case shall a permit be issued if it will result to the deterioration of critically important surface waters.

Section III2.07. A Certificate of Potability duly issued by the Municipal Health Office shall be necessary requirement for the drilling of a well, if the water sourced from the same shall be for drinking purposes.

Section III2.08. Other Rules in the Utilization of Waters.

A. No person shall raise or lower, or cause the raising or lowering of the water level of a creek, stream, brook, marsh or pond, nor drain the same without the necessary government clearances.

B. Impounding of water that prejudice downstream users is prohibited.

C. Lower estates are obliged to receive the waters which naturally and without the intervention of man flow from the higher estates, as well as the stones or earth which they carry with them.

The owner of the lower estate cannot construct works which will impede this natural flow, unless he/she provides an alternative method of drainage; neither can the owner of the higher estate make works which will increase this natural flow.

D. Any person may erect levees or revetments to protect his/her property from flood, encroachment by the creek or change in the course of the creek, provided that such construction does not cause damage to the property of another.

E. When a creek suddenly changes its course to traverse private lands, the owners of the affected lands may not compel the government to restore the creek to its former bed; nor can they restrain the government from taking steps to revert the creek to its former course. The owners of the lands thus affected are not entitled to compensation for any damage sustained thereby. However, the former owners of the new bed shall be the owners of the abandoned bed proportion to the area lost by each.

The owners of the affected lands may undertake to return the stream to its old bed at their own expense; provided that the Municipal Government shall be duly informed thereof and the necessary permits are secured from the Municipal Environment and Natural Resources Office (MENRO) and from the concerned National Agencies. Provided further that work pertaining thereto is commenced within two (2) years from the changes in the course of the stream.

F. Waters of a stream may be restored in a reservoir by a permittee in such amount as will not prejudice the right of any permittee downstream. Whoever operates the reservoir shall, when required, release water for minimum stream flow.



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- G. The installation of booster pump to boost water direct from the water distribution line of a water supply system, where low water pressure prevails, is prohibited.

Article 3
Coastal Waters

Section III3.01. Delineation of Coastal Waters. The Municipal Government shall cause the measurement and delineation of its territorial waters fifteen (15) km off the coastline and cause the production of the necessary resource maps for the purpose in coordination with the DENR and Bureau of Fisheries and Aquatic Resources (BFAR). The same shall be the basis for granting rights and privileges for the utilization of its aquatic resources. Appropriate fees, levies and other license charges shall be imposed as a result of the use of such resources.

Section III3.02. Fishing Rules and Regulations. The disposition of the right to use fishery resources, concessionary privileges, zoning of communal fishing areas, type of fishing gears that are allowed to be used, registration and color-coding of fishing boats, prohibited acts detrimental to marine resources and corresponding penalties and other rules provided in the Fishery Code of the Municipality are hereby adopted and made an integral part of this Code.

Section III3.03. Fisheries and Aquatic Resource Management Council (FARMC). The FARMC shall be the forum for multi-sectoral and community-based decision-making process to promote compatibility of development activities through the participation of a broad range of resource users.

Section III3.04. Declaration of Marine Protected Areas. The following areas within the waters of the Municipality of Agoo are hereby declared as marine protected areas (MPA):

- A. Includes all coastal barangays under the Agoo-Damortis National Seashore Park:
1. Sta. Rita Central
 2. Sta. Rita West
 3. Sta. Rita Sur
 4. San Julian Norte
 5. San Julian West
 6. San Nicolas West
 7. Balawarte
 8. San Manuel Norte
 9. San Manuel Sur
 10. San Isidro
 11. Purok
 12. San Roque West
 13. San Roque East

Section III3.05. Gathering of corals, giant clams, spawning fishes such as "awa" and the capture of unique marine animals and all marine species provided in the National Integrated Protected Areas System (NIPAS) Act is hereby prohibited.



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Section III3.06. Picking, digging and carrying away sand, coral stones and shells from the shores or under the sea shall be banned.

Section III3.07. Salvage operations on remnants of World War 2 battle ships and aircrafts in the seas of the Municipality of Agoo, if any, is hereby banned. The area in which such remnants of battle ships and aircrafts can be found shall be developed by the Municipality of Agoo as dive sites as well as breeding and nursery grounds of fishes and other marine animals.

Article 4

**Protection and Conservation of Water Resources
And Related Land Resources**

Section III4.01. Standard Parameters and Values for Drinking Water. The Municipal Government shall ensure that water for direct consumption in the Municipality is within the limits of the National Standards for Drinking Water (DOH Administrative Order 2007 No. 0012) conforming to physical, chemical, radiological and bacteriological requirements.

Section III4.02. Establishment and Operation of Waterworks System. No person, natural or juridical, shall establish or operate a waterworks system including the delivery of water supply to consumers without first securing a Sanitary Permit as a pre-requisite to the issuance of a Business Permit.

Section III4.03. Business Establishments Engaged in the Retail of Water. Businesses engaged in the retail of water such as refilling stations and vending machines, among others shall comply with the provisions of P.D. 856 Chapter II (Water Supply Sanitation).

Section III4.04. Protection of Water from Wells. To protect water from wells from contamination, the following measures shall be observed and complied with:

- A. Washing clothes or bathing within a radius of twenty five (25) meters from any well or other source of drinking water is hereby prohibited.
- B. No artesian, deep or shallow well shall be constructed within twenty five (25) meters from any source of pollution such as but not limited to sewage treatment plant, sewage wet well, sewage pumping station, or a drainage ditch which contains industrial discharges or wastes from sewage treatment plant effluent, sanitary sewers, septic tanks, cesspools, open-jointed drain-fields, animal feed lots or livestock in pastures, dump grounds, especially in limestone areas. Storm and sanitary sewers located within specified distances shall be so constructed as to prevent leakage.
- C. No radioactive sources or material shall be stored within a radius of twenty five (25) meters from any well or source of drinking water unless the radioactive source is adequately and safely enclosed by proper shielding.
- D. The drilling of water well within fifty (50) meter distance from a cemetery is prohibited.



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Section III4.05. It shall be the duty of any person in control of a well to prevent the water from flowing on the surface of the land, or into any surface water, or any porous stratum underneath the surface without being beneficially used.

Section III4.06. It shall be the duty of any person in control of a well containing water with minerals or other substances injurious to man, animals, agriculture and vegetation to prevent such waters from flowing on the surface of the land or into any surface water or into any other aquifer or porous stratum.

Section III4.07. No person shall utilize an existing well or pond or spread waters for recharging subterranean or ground water supplies without prior permission of the Municipal Government.

Section III4.08. To promote better water conservation and usage for irrigation purposes, the merger of irrigation associations and the appropriation of waters by associations instead of by individuals shall be promoted and encouraged.

No Water Permit shall be granted to an individual when his water requirement can be supplied through an irrigation association.

Section III4.09. In the consideration of a proposed water resource project, due regard shall be given to ecological changes resulting from the construction of the project in order to balance the needs of development and the protection of the environment.

Section III4.10. The conservation of fish and wildlife shall receive proper consideration and shall be coordinated with other features of water resources development programs to ensure that fish and wildlife values receive equal attention with other project purposes.

Section III4.11. Swamps and marshes which are owned by the State and which have a primary value for waterfowl propagation or other wildlife purposes may be reserved and protected from drainage operations and development.

Section III4.12. No person shall, without prior permission from the DENR, build any works that may produce dangerous or noxious substance or perform any act which, may result in the introduction of sewage, industrial waste or any pollutant into any source of water supply.

Section III4.13. The establishment of cemeteries and waste disposal areas that may affect the source of water supply or reservoir for domestic or use of the Municipality shall be subject to the rules and regulations promulgated by the Department of Health (DOH).

Section III4.14. The application of pesticides shall be regulated or banned as may be necessary on fields and farms where important aquifers are located to prevent contamination of ground water.

Section III4.15. The banks of rivers and streams and the shores of the seas throughout their entire length and within a zone of three (3) meters in urban areas, twenty (20) meters in agricultural areas and forty (40) meters in forest areas, along their margins.



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are subject to the easement of public use in the interest of recreation, navigation, flotage, fishing and salvage. No person shall be allowed to stay in this zone longer than what is necessary for recreation, navigation, flotage, fishing or salvage or to build structures of any kind.

Section III4.16. Dumping of the following wastes into any bodies of water within the jurisdiction of the Municipality is prohibited:

- A. biodegradable materials
- B. tailings and sediments
- C. heavy metals
- D. nutrients and organochlorine compounds
- E. plastics
- F. dredge materials
- G. oils
- H. untreated wastewater
- I. sludge
- J. chemical hospital/clinical waste
- K. Other non-biodegradable materials

Section III4.17. Grease Traps. All food establishments and other similar establishments in the Municipality shall have properly designed grease traps. A transition period of one (1) year shall be afforded to the establishment to comply with this ordinance, otherwise no Sanitary Permit or renewal thereof shall be permitted.

Section III4.18. Service Stations. Service stations shall dispose of their used oil, grease or other used liquids and shall comply with the sanitary requirements such as grease filters, provided therein.

Section III4.19. The construction or setting up of any structure, temporary or otherwise, that would destroy the scenic value of natural waterways or result to the disruption of water flows that are detrimental to the overall ecological balance is prohibited.

Section III4.20. Construction of dump sites or industrial settlement pits and waste treatment plants less than one (1) kilometer away from the sea is prohibited.

Section III4.21. The following measures are hereby adopted for the preservation of ecosystems that support coastal resources.

- A. The extraction of beach resources such as mangroves, pebbles, sand, gravel, boulders and wood products is hereby banned.
- B. Aquaculture activities, particularly the conversion of wetlands and mangrove areas into fish farms/ponds shall not allowed without the endorsement of the MENRO.
- C. The establishment of fish pens in coastal waters shall be in accordance with the provisions of the Fishery Code.

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- D. The ~~Office of the Sangguniang Bayan~~ that may result in the intrusion of saline waters into the freshwater table shall not allowed without the endorsement of the MENRO.

Section III4.22. All other measures against marine pollution as stipulated in Presidential Decree 600 and the Sanitation Code of the Philippines are hereby adopted.

Article 5
Environment-Friendly Tourism

Section III5.01. The Municipal Government of Agoo shall ensure that tourism activities do not compromise the environment. Along this line, it shall be the policy of the Municipal Government to incorporate in its tourism development programs strategies specific to protection of the environment and conservation of resources in coastal and marine areas. It shall thus endeavor to:

- A. Increase awareness among tourists and locals for the conservation of coral reefs and marine life around them. Activities to appreciate the aesthetic values of these areas shall be favored and extractive activities prohibited or discouraged.
- B. Educate the local community on practices of tourists and tourism establishments that would endanger or damage the environment, and mobilize public participation in monitoring and enforcement activities, as well as in the environmental assessment of proposed tourism projects.
- C. Encourage commitment among tourism establishments to a Code of Conduct for Sustainable Tourism that shall be formulated and enforced by the industry operators in the Municipality.
- D. Control such negative impacts of tourism activities as:
 1. Sewage pollution.
 2. Loss of beach vegetation, resulting in beach instability, due to trampling of tourists.
 3. Disappearance of sensitive animals due to mere human presence or disruption of their breeding habitats.
 4. Destruction/Clearing of mangroves for marinas, land reclamation sites and other infrastructure requirements.
 5. Damage on marine ecosystems by oil pollution from motorboats, removal of complex and delicate coral reefs for water skiing and speed boat activities.

Article 6
Disposal and Reduction of Liquid Waste

Section III6.01. This article shall regulate and control to a practicable extent the existing discharge of waters and wastes, pollutants, pollution and prevent further pollution caused by inadequate wastewater disposal from domestic, institutional, commercial, hospitals and sanitary facilities and discharge from dumpsites and other sources in furtherance of health and environmental sanitation of the residents, citizens and visitors of the Municipality.

Section III6.02. The provisions of this article are enacted and shall apply to and govern the following:

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- A. Adopt the full implementation of the provisions of the Building Code and Sanitary Code of the Philippines on the treatment and disposal of liquid wastes.
- B. Adopt and promote wastewater reduction measures and require residences, business establishments, subdivisions, hospitals, industries, sanitary facilities and other sources of liquid wastes to establish means and measures to control wastewater production, and install and maintain appropriate wastewater treatment facilities prior to disposal.
- C. Require establishments such as but not limited to commercial establishments healthcare facilities and industries to submit a copy of their ECC or CNC, whichever is applicable, when applying for Business Permit and subject their wastewater treatment facility or septic tanks to inspection/evaluation.
- D. Implement wastewater reduction process based on the "Beginning of Pipeline Approach" concept.
- E. Prevent, control and regulate raw and inadequately treated wastewater and hazardous wastes discharge from hospitals and sanitary facilities into land, coastal and inland bodies of water like ponds, creeks, brooks and springs.
- F. Require residences, business establishments, subdivisions, hospitals, industries, sanitary facilities and other sources of liquid wastes to regularly desludge their septic tanks and only by a person or entity authorized to do the same in accordance with the provisions of the Municipal Sanitation Code and other applicable national laws.
Sludge from septic tanks shall not be emptied into open fields, ditches or bodies of water and mandatory inspection of septic tanks during construction shall be conducted.
- G. Build a Municipality-owned, operated and managed wastewater treatment plant at the Market and the Slaughterhouse, and encourage adjacent residences and business establishments to connect to the Municipality-owned, operated and managed wastewater treatment plant when these are already operational.
- H. A "User's Fee" shall be collected for the use of the municipal wastewater treatment plant to cover the operation and maintenance costs.
- I. The Municipal Government, through the MHO and the MENRO, shall conduct an inventory and monitoring of all point and non-point sources of wastewater discharges into the environment either by land spreading, injection or dilution in natural bodies of water
- J. The Municipal Government, through the Office of the Municipal Mayor, shall create an inter-agency and multi-disciplinary Social Marketing Arm that shall provide continuous and integrated development approach education, advocacy and information program on wastewater pollution.

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**Article 7
Drainage**

Section III7.01. Comprehensive Drainage Plan. All barangays shall prepare a barangay drainage plan and submit the same to the Municipal Engineering Office who will prepare a master drainage plan for the Municipality. Said plan shall be forwarded to the Sanggunian for adoption.

Section III7.02. The Municipal Government shall ensure that canals within the Municipality are maintained, unclogged and uncontaminated by toxic effluents through regular desludging.

Section III7.03. Other Restrictions on Waste Disposal. The following restrictions on waste disposal shall be followed:

- A. No industrial or manufacturing facility as well as waste service facility shall be operated without proper solid and wastewater disposal facilities.
Wastewater shall not be discharged into the public sewerage system to prevent contamination of ground water as well clogging of the system.
- B. No industrial or manufacturing plant and waste service facility shall be operated at capacities beyond the limits of operation or capability of their respective waste treatment facilities in order to maintain the effluent quality within the standards required by law.

**CHAPTER IV
AIR QUALITY MANAGEMENT**

**Article 1
General Provision**

Section IV1.01. Statement of Policy. Given the complexity of clean air management and the insufficient technology and resources available to local governments for the conduct of atmospheric monitoring and evaluation, the Municipal Government shall to the greatest extent prevent the continued degradation of air quality within its territorial jurisdiction through necessary precautionary and preventive measures to ensure the maintenance of ambient air quality at such levels prescribed by the DENR. For the purpose, the erection, use, installation or operation of any article, machinery, plant, or any contrivance which would release any pollutants into the atmosphere which, together with the concentrations of existing air pollutants in the Municipality, would result to ambient air concentration greater than the quality standards set by the DENR, shall be subject to environmental inspection, control and banning as may be appropriate.



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**Article 2
Ambient Air Quality**

Section IV2.01. Emission Limitation. No industrial plant or source shall operate at capacities which exceed the limits of operation or capability of a control device to maintain the air emission within the standard limitations set by DENR; nor shall a person use a motor vehicle that discharges air pollutants at a level greater than the acceptable standards prescribed by the DENR.

Section IV2.02. No person shall build, erect, construct, install or implant any new source or to operate, modify or rebuild an existing source, or by any other means release or take action which would result in, together with the concentration of air pollutants, ambient air concentration greater than the ambient air quality standards.

Section IV2.03. On Pollution Control Devices. No person shall cause or permit the installation or use of any device or any means which, without resulting in the reduction in the total amount of air contaminant emitted, conceals or dilutes any emission of air contaminant.

All pollution control devices and systems shall be properly and consistently maintained and correctly operated. No facilities shall be operated without the control equipment in proper operation, except with the permission of the DENR under special circumstances.

Section IV2.04. Industrial Location. Industries shall be buffered away from human settlements and shall be located in areas classified as industrial zone in accordance with the Municipality's Zoning Ordinance.

Section IV2.05. Fugitive Particulates. No person shall allow the emission of fugitive particulates from any source whatsoever, including but not limited to vehicular movement, transportation of materials, construction, alteration, demolition or wrecking, or industry-related activities such as loading, storing or handling without taking reasonable precautions to prevent emissions. In line with such precautions, the following are hereby adopted:

- A. Covering of open loaded trucks transporting materials likely to give rise to airborne dust, odor and other fugitive particles.
- B. Use, where possible, of water or chemicals for control of dust in the demolition of existing buildings or structure, construction operations, grading of roads or clearing of land so that fugitive dusts remain within the premises of the activity being conducted.
- C. Application of asphalt, oil, water or suitable chemicals on dirt and unpaved roads, materials stockpiles, and other surfaces that give rise to airborne dust problem.
- D. Installation and use of hoods, fans and fabric filters to enclose and vent the handling of dusty materials. Adequate containment methods shall be employed during sandblasting or other similar operations.

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Section IV2.06. No person shall cause or permit the discharge of visible fugitive dusts beyond the boundary line of the property from which the emissions originate.

Section IV2.07. When dusts, fumes, gases, mists, odorous matters or vapors or any combination thereof escape from a building or equipment, such emissions or gas-borne materials shall first be treated to remove or destroy such air pollutants prior to discharge into open air.

Section IV2.08. Storage and Handling of Volatile Compounds. No person shall place, store or hold in any stationary tank, reservoir or other container of more than one hundred fifty thousand (150,000) liters capacity and volatile organic compounds unless such tank, reservoir or other container is pressure sufficient, under normal conditions, to prevent vapor or gas loss to the atmosphere, or is designed and equipped with vapor loss control devices approved by the DENR.

Section IV2.09. Reducing Emissions of other Greenhouse Gases. The Municipal Government shall raise public awareness on the dangers that chemical fertilizers, burning of timber and crop residues, and burning of fossil fuels pose to public health and global climate in general in order to discourage said practices and the use of such chemicals.

Section IV2.10. Reducing Emissions of Substances that Deplete the Ozone Layer. The depletion of the ozone layer caused by the use of chlorofluorocarbon (CFC), halon and other hydrochlorofluorocarbon results to exposure to harmful ultraviolet rays of the sun and therefore poses as extreme health hazard to humans. Pursuant to the Montreal Protocol where the Philippines is a signatory, the Municipality of Agoo hereby adopts the following relevant provisions:

- A. The local constituents are discouraged to use aerosols with CFC content e.g. spray nets, pesticides, fertilizers, etc.
- B. Refrigeration and air-conditioning shops, including factories and manufacturing entities are required to institute measures to avoid the release of CFCs directly into the atmosphere.
- C. Yellow fire extinguishers containing halon are banned in the Municipality.

Section IV2.11. Abatement of Urban Air Pollution from Motor Vehicles. To reduce Carbon Dioxide (CO₂) emissions the following shall be undertaken by the Municipal Government:

- A. The anti-smoke belching program of the Municipality shall be strictly implemented/enforced.
- B. Conversion from two-stroke to four-stroke tricycles shall be encouraged through the extension of loans, the mechanics to be prepared by the Permits and Licenses Section under the Office of the Municipal Treasurer.
- C. To achieve the acceptable standard of vehicle emissions, the Municipal Government shall encourage the use of catalytic converters in all vehicles particularly diesel-powered engines.

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- D. As part of its Traffic Mitigating Program, the Municipal Government shall closely coordinate with the Land Transportation and Franchising Regulatory Board to limit the number of public utility jeepneys granted franchise to operate in the Municipality.
- E. The Municipal Government shall periodically conduct a road-side (on-site) anti-smoke belching test for all types of motor vehicles.

Section IV2.12. Urban Greeneries. In addition to the declared municipal parks, the Municipal Government shall establish, replenish and maintain greeneries such as forests parks, tree parks and greenbelt areas which will act as carbon sinks in the urban area. As well, streets islands and both shoulders of all roads or streets shall be planted with shade or ornamental trees.

The establishment of urban greeneries shall be done with the support of barangays, non-government organizations, and private individuals or entities.

Section IV2.13. Prohibition of Open Burning. No person shall ignite, cause to be ignited, maintain any open fires except the following activities:

- A. Open fires for cooking of food for human consumption.
- B. Fires for recreational or ceremonial purposes.
- C. Fires for the prevention and control of diseases and pests.
- D. Fires for the disposal of dangerous materials or waste, when there is no practical alternative method for disposal, provided that a clearance is secured from the Office of the Mayor.
- E. Fires for training personnel in the methods of fire fighting.

Section IV2.14. No establishment, firm or company, government or private entity or organization shall burn or cause open burning of waste materials in their premises, area or jurisdiction, including recognized or unrecognized dumpsites in any quality or quantity.

Section IV2.15. No person shall burn any materials in any quantity which shall cause the emission of toxic and poisonous fumes. Such materials include but are not limited to plastic, polyvinyl, chloride, ink, wastes containing heavy metals, organic chemicals, petroleum related compound, industrial wastes, ozone depleting substances and other similar toxic and hazardous substances.

Section IV2.16. Ban on Incineration. Incineration is banned in the Municipality of Agoo.

**Article 3
On Noise Pollution**

Section IV3.01. Noise Pollution. To protect public health and welfare against nuisance caused by excessive noise from both mobile and stationary devices, the following measures are hereby adopted:

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- A. All noise and vibration producing machineries (e.g. generator) shall be enclosed by a building/structure and shall be provided with effective noise absorbing materials, noise silencers, anti-vibration mountings, insulation and mufflers and an open yard of not less than twenty (20) meters from the nearest adjoining property planted with trees to act as buffers.
- B. As a general measure of noise abatement in vehicle-congested areas, greenery buffers shall be established between such areas and residential sites.
- C. All construction activities located within commercial and residential areas shall be regulated so as not to constitute nuisance.
- D. Establishments offering videoke services shall be allowed to operate only in commercial zones and only up to 12:00 Midnight unless the building in which they operate are equipped with soundproofing materials.

Section IV3.02. On Blowing of Horns. The unnecessary or excessive blowing of horn of any motor vehicle unless necessary to operate said vehicle safely is prohibited within the vicinity of the following areas, hereby declared as Quiet Zones, during specific hours as provided hereunder pursuant to Municipal Ordinance No. 14-2007.

- A. Churches – while religious service or ceremony is being held.
- B. Schools – from 7:00 A.M. to 5:00 P.M.
- C. Hospitals – to any time of the day except in emergency cases.
- D. Public buildings – from 8:00 A.M. to 5:00 P.M.
- E. Residential Zone – from 9:00 P.M. to 6:00 A.M.

Section IV3.03. It is further prohibited for any person to cause, create or allow the continuance of any unreasonable or unnecessarily loud, disturbing, unusual or frightening noise or disturbance, injurious to the health, peace, or quiet of the residents and property owners in any residential area from 9:00 P.M. to 6:00 A.M. The following noises and disturbances are hereby declared to be a violation of this ordinance:

- A. Radio, phonograph, compact disc, television, or other electronic or mechanical sound-producing device including any musical instrument. The playing of any such devices in such a manner or with such volume as to unreasonably upset or disturb the quiet, comfort or repose of other persons of nearby residential properties.
- B. Yelling, shouting, hooting, whistling or singing on the public streets so as to unreasonably upset or disturb the quiet, comfort or repose of any persons in the vicinity.
- C. The keeping of any animal, bird, or fowl, which emanates frequent or extended noise which shall unreasonably disturb the quiet, comfort or repose of any person in the vicinity; such as allowing or permitting any dog to bark repeatedly in an area where such barking can be clearly heard from nearby residential properties.

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- D. The operation or permitting the operation of any automobile, motorcycle or other vehicles so out of repair or so loaded or constructed as to cause loud and unnecessary grating, grinding, rattling, or other unreasonable noise including the noise resulting from exhaust, which is clearly audible from nearby properties and unreasonably disturbing to the quiet, comfort, or repose of other persons.
- E. Noise from parties or gatherings that are disturbing to the quiet, comfort, or repose of other persons.
- F. The loading or unloading, opening or otherwise handling of boxes, crates, containers or garbage cans or other similar objects such that it creates loud or excessive noise unreasonably disturbing to other persons in the vicinity.

Section IV3.04. Measures Against Offensive Odor. While the primary effect of foul smell emitted by industries and bad odor caused by unsanitary and unhygienic practices is nuisance, it causes secondary disturbances such as nausea, insomnia and overall discomfort. Sources of offensive odor shall therefore be mitigated.

Section IV3.05. On Smoking. Smoking shall be prohibited in all public conveyances and public places such as theatres, assembly halls, hospitals, schools and public offices as provided in Municipal Ordinance No. 04-2003.

Section IV3.06. Owners, managers or operators of theatres, assembly halls, hospitals and schools shall provide a smoking area. Failure to do so shall be sufficient ground to deny the application for Business Permit. Establishments with "No Smoking Policy" are not required to designate a smoking area.

It shall be the duty of the manager, owner or operator of any public conveyance, theatre, assembly hall, hospital, school or public office to enforce the no smoking regulation by posting in a conspicuous place the following notice:

WARNING

**Smoking in vehicles, theatres, assembly halls, hospitals,
Schools and public offices is penalized by a fine of Php300.00**

Section IV3.07. Nuisance. All activities which injures the health, endangers life, offends the senses or produces discomfort to a person or group of persons shall be considered a nuisance. If any person, owner or operator fails, neglects or refuses to abate such nuisance within fifteen (15) days after such notification or within a shorter time prescribed concerned Municipal Government Office, such office shall prohibit such nuisance or provide measures to stop or prevent such nuisance at the expense of the owner or operator concerned.

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**CHAPTER V
PENALTIES**

Section V.01. Penalties. The following are penalties for violation of any provision of this Ordinance:

A. Private Individuals.....	Php1,000.00
B. Business Establishment.....	Php2,000.00
C. Industries.....	Php2,500.00

Section V.02. If the offender is a juridical person, the manager, director or proprietor of the same shall be liable to pay the applicable penalty under the preceding section, as a business establishment or an industry, as the case may be.

Section V.03. The offender shall be penalized every inspection in accordance with the preceding section until he/she shall have fully complied with the provisions of this Code.

Sec V.04. Penalties as provided in ordinances herein adopted shall apply unless otherwise specifically provided in this Code.

Section V.05. Prohibited acts not herein included shall be penalized in accordance with the provisions of applicable laws, municipal ordinances and administrative orders.

**CHAPTER VI
FINAL PROVISIONS**

Section VI.01. Separability Clause. If, for any reason, any section or provision of this Ordinance is declared to be unconstitutional or invalid, the other sections or provisions thereof which are not affected thereby shall continue to be in full force and effect.

Section VI.02. Repealing Clause. All ordinances, local laws or parts thereof inconsistent with this Ordinance are hereby repealed or modified accordingly.



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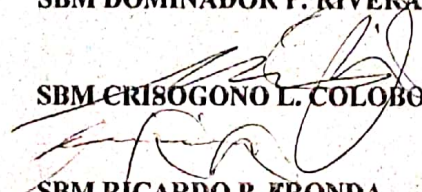
Section VI.03. Effectivity Clause. This Ordinance shall take effect immediately after its publication.


APPROVED: October 28, 2008 (42nd Regular Session).


SBM VIOLETA L. BALBIN


SBM DOMINADOR P. RIVERA


SBM JOSEPHUS R. KOMIVA



SBM CRISOGONO L. COLOBONG, JR.


SBM ERWINA C. ERIGUEL


SBM RICARDO P. FRONDA

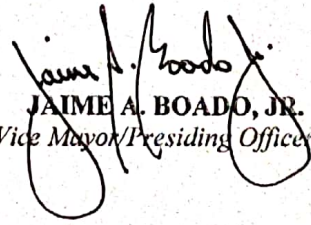

SBM ROGELIO R. DE VERA


SBM ALBERTO MELCHOR M. OFILAS
(ABC President)

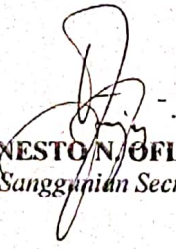

SBM MA. TERESITA R. VENTURA
(Youth Representative)

(Absent: SBM Romano F. Niñalga)

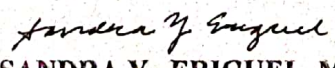
Certified Correct.


JAIME A. BOADO, JR.
Vice Mayor/Presiding Officer

Attested by:


ERNESTO N. OFIAZA, JR.
Sanggunian Secretary

APPROVED:


SANDRA Y. ERIGUEL, M.D.
Municipal Mayor