



Republic of the Philippines
Province of Aklan
MUNICIPALITY OF MALAY



Office of the Sangguniang Bayan

MUNICIPAL ORDINANCE NO. 183

Series of 2003

AN ORDINANCE REGULATING THE USE OF TABLES AND CHAIRS WITHIN THE PATH ROAD, VEGETATION AND NO BUILD ZONE AREAS ALONG THE BEACHFRONT IN BORACAY ISLAND.

SECTION 1. - **STATEMENT OF POLICY.** The Municipal Government of Malay, as a matter of policy, shall exercise regulatory functions within its authority to provide equal access in utilizing the beachfront particularly the vegetation area, for the use of visitors and guests of resorts, cottages and other establishments for accommodation other than those located along the beachfront.

SECTION 2. - **REGULATING ACT.** During daytime tables and chairs are strictly prohibited within the path road/main road and the vegetation area. At sunset however, tables and chairs are allowed within the vegetation area provided that it shall not be beyond twenty (20) meters from the beach and the vegetation area boundary line moving in land but in no case shall extend on the path road and provided further that the following conditions are complied:

- a) That the vegetation area shall be free of chairs and tables before sunrise;
- b) That the proprietor occupant has the responsibility to maintain order and cleanliness of the aforementioned area;
- c) That piling of chairs and tables in the said area is strictly prohibited at all times;
- d) That the proprietor occupant shall be liable for injury to person or destruction of personal property resulting from failure of the said proprietor occupant to maintain safety measures within the aforementioned area;
- e) That the proprietor occupant shall maintain access for pedestrians to the beach;

SECTION 3. - **EXEMPTION. TABLES FOR PERSONAL EFFECTS WHILE SUNBATHING.** Small tables 1.5 feet x 1.5 feet in size but in no case beyond 2 feet in height may be permitted within the no build zone area provided it shall be specifically used as receptacle for personal effects of the sunbathing guest. Provided further that such tables shall be removed from the said area once not in use.

SECTION 4. - **DEFINITION OF TERMS.** As used in this ordinance, the following terms shall mean:

DAYTIME - a time frame from sunrise to 5:00 P.M.

PATH ROAD - a portion of four- (4) meter wide on the beachfront used mainly for pedestrian traffic.

TABLES AND CHAIRS - articles of furniture, of any make, fixed or movable, used to provide ease and convenience to individuals in eating and/or seating or purely for relaxation.

VEGETATION AREA - refers to the portion of the beach immediately adjacent to the path road or the main road, as the case may be, where plants thrive.

BEACH AND VEGETATION AREA BOUNDARY LINE - a demarkation separating the beach and the vegetation area denominated by the outermost growing plant, e.i coconut trees, fronting the beach moving towards the shoreline.

MEAN HIGH WATER MARK - the part of the seashore between the upper limits of the wave wash at the highest tide of the year and the upper limits of the wave wash during normal high tides of the year.

SECTION 5. - **PENALTY**. Person or entities who violate any provision of this ordinance shall suffer the following penalties:

- a) A fine of TWO THOUSAND FIVE HUNDRED PESOS (₱2,500.00)
- b) Imprisonment of not more than fifteen (15) days at the discretion of the court.
- c) Confiscation of objects of violation.

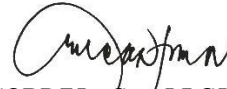
SECTION 6. - **REPEALING CLAUSE**. Any ordinance inconsistent herewith is hereby repealed or modified.

SECTION 7. - **EFFECTIVITY**. This ordinance shall take effect upon approval and proper publication.

ENACTED. FEBRUARY 5, 2003.

APPROVED. FEBRUARY 26, 2003.

CERTIFIED TRUE COPY:



CONCORDIA S. ALCANTARA

Secretary to the Sangguniang Bayan

APPROVED. SP RESOLUTION NO. 03-392, dtd. 11-7-03

