



Republic of the Philippines
Province of Aklan
MUNICIPALITY OF MALAY



Office of the Sangguniang Bayan

MUNICIPAL ORDINANCE 204
Series of 2004

AN ORDINANCE REGULATING DISPLAY OR HANGING OF ADVERTISING AND/OR MERCHANDIZING POSTERS, STREAMERS, PLACARDS, BILLBOARDS AND OTHER SIMILARLY RELATED ADVERTISING MATERIALS WITHIN THE TERRITORIAL JURISDICTION OF LGU-MALAY AND PROVIDING PENALTIES FOR VIOLATION THEREOF.

SECTION 1. - **RATIONALE.** It has been observed that a number of business entities aggressively advertise their products or services within the Municipality of Malay, particularly during the summer season. The absence of a more responsive ordinance to regulate this kind of activity results to the disarray of advertising materials in public places, particularly areas along the path road in Boracay Island. With proper order in mind, the Sangguniang Bayan of Malay promulgates this piece of legislation.

SECTION 2. - **MAYOR'S PERMIT REQUIREMENT.** It shall be mandatory for any entity, natural or juridical, to secure a Mayor's Permit before engaging in any form of advertising or merchandizing within the territorial jurisdiction of the Municipality of Malay. Payment of appropriate regulatory fees and charges thereof shall likewise be made to the Office of the Municipal Treasurer. Only event organizers and advertising entities accredited by LGI-Malay shall be issued Mayor's Permit to engage in the same.

SECTION 3. - **BOND REQUIREMENT.** Event organizers and/or advertising entities shall post a Cash Bond of TWENTY THOUSAND PESOS (₱20,000.00) per merchandizing activity or event. Any expense incurred by LGU-Malay in reference to paragraph (e) Section 6 of this ordinance shall be charged against this bond. Should there be no expense or any amount left out of the bond shall be refunded to the organizer or advertising entity who posted the same.

SECTION 4. - **ADVERTISING FEE.**

A) An advertising fee of ONE HUNDRED PESOS (₱100.00) per piece of streamer, poster, placards and other similarly related advertising materials the measurement of which shall not be more than 6 feet x 3 feet or 18 square feet.

The aforementioned advertising fee shall only be good for thirty (30) days exposure or less. Payment of the same amount shall be required before extension of duration of exposure shall be granted provided that the total days of exposure shall not be more than ninety (90) days.

B) For advertising materials other than mentioned in paragraph A of this Section, the following advertising fee shall be charged:

- 1) Paraw - ONE HUNDRED PESOS (₱100.00) per sail.
- 2) Pumpboats - ONE HUNDRED PESOS (₱100.00) per pumpboat.
- 3) Land Transportation - ONE HUNDRED PESOS (₱100.00) per unit

SECTION 5. - **ADVERTISING ZONES.** For purposes of this ordinance, the public places and major thoroughfares of Malay are divided into the following advertising zones:

- a) **ZONE 1** - Caticlan National Highway from Malay-Nabas boundary to Sitio Bacolod road - National Highway junction, to include all access roads leading to Caticlan Jetty Port from the National Highway.
- b) **ZONE 2** - Boracay path road, to include all vegetation areas along the beach from Angol Point to Pinaungon and all Boat Stations (Stations 1, 2 and 3) along the front beach.
- c) **ZONE 3** - Boracay Main Road (Provincial Road).
- d) **ZONE 4** - All access roads in Boracay from the main road to the front beach or to other areas of destination.
- e) **ZONE 5** - All other areas within the territorial jurisdiction of LGU Malay.

SECTION 6. - **ADVERTISING/MERCHANDIZING REGULATORY POLICIES.** All entities, natural or juridical, shall observe the following regulatory policies:

- a) Only one (1) type or class of streamers, placards, posters and/or other similarly related advertising materials shall be displayed or posted in a particular advertising zone designated by this ordinance.
- b) Except in event area, advertising billboards are strictly prohibited within Zone 2.
- c) Display of advertising materials for all Zones shall be for the duration indicated in the Mayor's Permit application which in no case be more than thirty (30) days. Extension however, may be sought before the Office of the Mayor provided that such extension complies with the limitations provided by this ordinance.
- d) Display of advertising materials of the same product or service shall not be more than one hundred (100) pieces per zone, except for Zone 4, which is limited to ten (10) per access road and the Boat Stations which shall only be one (1) piece per station.
- e) Cleaning up and/or dismantling of advertising materials shall be the sole responsibility of the advertising entity that installed the same. Should this advertising entity fails to dismantle or remove the afore-stated materials, the same shall be dismantled or removed by LGU-Malay at the expense of the advertising entity that installed the same without prejudice to the other penalties imposable thereto by this ordinance.

Expenses for dismantling done by LGU-Malay shall be charged against the posted Bond of the merchandiser or sponsoring entity, as provided by this ordinance.

SECTION 7. - **ADVERTISING MATERIALS IN AN EVENT AREA.** Provisions of Section 4 paragraph d shall not apply in an event area where a special permit has been granted by LGU Malay. The number of advertising materials is deregulated but the duration of exposure however shall be limited to the number of days upon which the event is held.

SECTION 8. - **PENALTIES.** Penalties shall imposed upon any person, natural or juridical, who violates the following provisions:

- a) **FOR VIOLATING SECTION 2** - TWO THOUSAND FIVE HUNDRED PESOS (₱2,500.00) for billboards and FIVE HUNDRED PESOS (₱500.00) per piece for other advertising materials and immediate removal of the same. If the responsible entity fails to remove the afore-stated materials, LGU Malay shall removed the same at the expense of the former.
- b) **FOR VIOLATING SECTION 6** - A fine of THREE HUNDRED PESOS (₱300.00) per piece of advertising material which is not of the same type, or in excess of the required number or has not been removed after duration has expired, as the case maybe, plus immediate removal of said materials by the entity that installed the same.

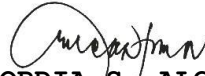
SECTION 9. - **AMENDMENTS**. Any ordinance, rules and regulations, or parts thereof, provisions of which are in conflict with, or contrary to the provisions of this ordinance are hereby repealed, amended and modified accordingly.

SECTION 10. - **DATE OF EFFECTIVITY**. This Ordinance shall take effect upon its approval and proper publication.

ENACTED. OCTOBER 15, 2003.

APPROVED. JANUARY 7, 2004.

CERTIFIED TRUE COPY:



CONCORDIA S. ALCANTARA

Secretary to the Sangguniang Bayan

APPROVED. SP RESOLUTION NO. 04-175, dtd. 10-6-04

