



Republic of the Philippines
 Province of Aklan
MUNICIPALITY OF MALAY
Office of the Sangguniang Bayan



EXCERPT FROM THE MINUTES OF THE 23RD REGULAR SESSION OF THE SANGGUNIANG BAYAN OF MALAY, AKLAN (2001-2004) HELD AT THE SESSION HALL ON DECEMBER 12, 2001.

Present:

- SB Member Ralf A. Tolosa, Acting Presiding Officer
- SB Member John P. Yap
- SB Member Abcedes S. Dela Torre
- SB Member Charlie D. Villanueva
- SB Member Julieta A. Aron
- SB Member Adrian D. Salaver
- SB Member Allan T. Bigueja
- SB Member Leny S. Sacapaño
- SB Member Evan Jay V. Alianza, SK Federation President

Absent

- Hon. Frolibar S. Bautista, Vice Mayor
- SB Member Joel V. Gelito, Liga ng mga Barangay President

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MUNICIPAL ORDINANCE NO. 144
 Series of 2001

AN ORDINANCE DECLARING BORACAY ISLAND AS A NOISE SENSITIVE ZONE AND ADOPTING THE RULES AND REGULATIONS OF THE NATIONAL POLLUTION CONTROL COMMISSION PERTAINING TO NOISE.

(SPONSOR: HON. ADRIAN D. SALAVER)

SECTION 1. - **DECLARATION OF PRINCIPLES.** It is hereby declared the duty of this Local Government Unit to protect, preserve and nurture its environment; promote general welfare among its constituents and to provide necessary measures towards sustainable tourism industry.

That by maintaining peaceful and tranquil environment in Boracay would be beneficial to all living things that thrive on the Island.

NOW THEREFORE, be it ordained that Boracay Island be declared as a Noise Sensitive Zone and that this Local Government Unit shall adopt the rules and regulations formulated by the National Pollution Control Commission in order to maintain such.

SECTION 2. - **DEFINITIONS.** The following words and phrases when used in this Ordinance, unless the context clearly indicates otherwise, shall have the following meanings:

(a) "**LEVEL**" means the total sound level of all noise as measured with a sound level meter using "A" weighting network. The unit of measurement is the Decibel "A".

"**WEIGHTING NETWORK**" means the frequency response of a sound level meter, the purpose of which is to provide a means of compensating for variation in the response of the human ear to frequency and intensity. The "A" network, for example, disregards the low frequency.

- (b) "**ACTIVITY**" means any or combination of sounds.
- (c) "**AIR COMPRESSOR**" means a device, which draws in air or gas, compresses it and delivers it at high pressure.
- (d) "**AMBIENT NOISE**" means the all-encompassing noise associated with a given environment, being usually composed of sounds from sources near and far.
- (e) "**APPARATUS**" means any mechanism, which prevent, controls, detects, measures or records the production of sound.
- (f) "**CONSTRUCTION**" means any or all activity except tunneling, necessary or incidental to the aeration, demolition, assembling, altering, installing or equipping of buildings, public or private highways, roads, premises, parks, utility line including such in line grading, excavating and filing.
- (g) "**CONSTRUCTION DEVICE**" means any device designed and intended for use in construction, including, but not limited to, any air compressor, pile driver, manual tool, bulldozer, pneumatic hammer, steam shovel, derrick, crane steam or electric hoist.
- (h) "**CIRCULATION DEVICE**" means any device, which circulates a gas or fluid, including, but not limited to, any air conditioner, pump, cooling water, fan or blower.
- (i) "**CLAXON**" means any manually, mechanically or electrically powered device, other than an emergency signal device, including but not limited to a motor vehicle horn which is intended to, and when operated, actually does emit a sound signal.
- (j) "**PAVING BREAKER**" means any powered construction device intended to cut a trench pavement, sub-base macadam, gravel, concrete or hard ground.
- (k) "**DECIBELS**" is a measure of sound level and is equal to 10 times the logarithm of the square of a measured Sound Pressure Level (SPL) divided by a reference sound pressure. The sound pressure is given in microbar, with the reference pressure taken as 0.0002 microbar, which is generally the minimum the human ear can sense.
- Decibel "A" (dBA) is the measure of the total sound level when using the "A" level network.
- (l) "**DEVICE**" means any mechanism, which is intended to produce or which actually produces sound when operated or handled.
- (m) "**DWELLING**" means any building or structure occupied in whole or in part either as the temporary or permanent residence of one or more natural persons.
- (n) "**MUFFLER**" means an apparatus generally consisting of, but not limited to, a series of chambers of baffles for the purpose of transmitting gases while reducing sound levels.
- (o) "**NOISE**" means an erratic intermittent, or statistically random oscillation, or any unwanted sound.
- (p) "**SOUND**" means an oscillation in pressure, stress particle displacement, particle velocity, etc. in a medium whose internal forces (e.g. elastic, viscous) of the superposition of such propagated oscillation, which evokes an auditory sensation.

- (q) "**SOUND LEVEL METER**" means any instrument including a microphone, an amplifier, an output meter, and frequency weighing networks for the measurement of noise and sound level.
- (r) "**SOUND PRESSURE LEVEL (SPL)**", in decibels means sound level that is 20 times the logarithm to the base 10, of the ration of the pressure, 2×10^{-4} microbar.
- (s) "**SOUND REPRODUCTION DEVICE**" means any device intended primarily for the production or reproduction of sound including, but not limited to any musical instrument, radio receiver, television receiver, tape recorder, phonograph or sound amplifying system.
- (t) "**SOUND SIGNAL**" means any sound produced by a sound signal device to transmit information.
- (u) "**SOUND SIGNAL DEVICE**" means a device designed to produce a sound signal when operated, including, but not limited to, any claxon, air horn, whistle, bell, gong, siren, but not an emergency signal device.
- (v) "**EMERGENCY SIGNAL DEVICE**" means any gong, siren, whistle, or any air horn or any similar device the use of which by authorized emergency vehicles, is permitted.
- (w) "**EMERGENCY**" means a public calamity or an exposure of any person or property to imminent danger.
- (x) "**SOUND SOURCE**" means any activity or device as herein defined.
- (y) "**UNNECESSARY NOISE**" means any excessive or unusually loud sound, or any sound, which, either annoys, disturbs, injures, endangers the comfort, repose, health, peace or safety of a person, or which causes injury to plant or animal life, or damage to property or business.

SECTION 3. - **GENERAL REQUIREMENTS AND RESTRICTIONS.** The following shall be the general requirements and restrictions on noise level:

- (a) **BEST PRACTICABLE TECHNOLOGY.** The best available and practicable technology shall be used to control noise emissions.
- (b) **NOISE LEVEL VIOLATIONS.** No person shall build, erect, construct, install, or implant any new source, or operate, modify, or rebuild an existing source, or any by any other means cause or undertake any activity, which would result in the emission of noise, or which will, as determined by the commission, result in ambient noise level greater than the ambient standards. Neither shall he emit or cause or suffer to be emitted noise - greater in volume, intensity, or quality than the levels prescribed for allowable noise without first obtaining a Clearance from the Local Government Unit. Any person who shall do any such activity shall be liable under this Ordinance.
- (c) **MALFUNCTION REPORTING.** In the event of failure or breakdown of any emission source, noise pollution control equipment or related facility in such a manner as to cause the emission of noise level violation of this Ordinance, the person in charge of such source, equipment or facility shall notify the Local Government Unit in writing 24 hours of such failures or breakdown, indicating all pertinent facts and other relevant information including the estimated duration of breakdown, the steps taken, if any, to correct the defects, and thereafter to submit a report whether such source equipment or facility has resumed operation.

SECTION 4. - **PROHIBITED ACTS.** The following shall constitute as prohibited acts punishable under this Ordinance.

- (a) **OPERATION OR SOUND REPRODUCTION DEVICES.** No person shall operate or use or cause to operate any sound reproduction device for any of the following purposes:
- (1) To attract attention to any performance, show, sale, display or merchandise in connection with any commercial or business enterprise including those engaged in the sale of radios, television sets, phonographs, tape recorders, phonograph records or tapes, in front or outside of any business building, place or premises, abutting or on adjacent to a public street, park or place, or in or upon any vehicle operated, standing or being in or on any public street, park or place from any stand, platform or other structure, or from any airplane or other device used for flying, or on boat, or the public for streets, parks or places, except the incidental sound for which a permit has been issued.
 - (2) To make noise emanating from the sound reproduction device, while on road or ferry or any other public conveyance, audible to another person.
 - (3) To create unnecessary noise, except when the noise is a result of the operation or use of any claxon or air horn installed in a motor vehicle to signal imminent danger, or of any steam whistle attached to any stationary boiler to give notice of the time to start and stop work or to signal imminent danger.
- (b) **ANIMAL NOISE.** No person shall permit an animal or pet, including birds, under his control to cause unnecessary noise.
- (c) **CONSTRUCTION AND COMMERCIAL ACTIVITIES.** No person shall engage in or permit any person to be engaged in construction and commercial activities where excessive noise is created, except when such activities are for the purpose of averting disasters or other emergencies, preventing danger to human life, safeguarding public safety or protecting national interest and similar incidents.
- Construction of building or establishment inside the resort area shall only be allowed from 8:00 A.M. up to 9:00 P.M. during the high season for tourists; otherwise they may start working any time. The use of loud noise producing devices such as planers, steel cutters, edgers, sander, chainsaw and sawmills are required to enclose their working area so as to reduce the level of noise they produce. Further they can only be allowed to operate these sets of equipment from 9:00 A.M. up to 10:00 P.M. Likewise concrete mixers, jackhammers and other heavy equipment shall only be allowed to operate from 9:00 A.M. to 9:00 P.M.
 - Bar and disco houses, which provides loud music for their operations shall be required to operate within an enclosed area. Otherwise they shall be required to limit their sound within the context of this Ordinance.
- (d) **HANDLING CONTAINERS AND CONSTRUCTION MATERIALS.** No person shall handle, transport or cause to handle or transport in any public place, any container or construction material in such a way as to create unnecessary noise.

- (e) **EXHAUST NOISE.** No person shall cause or permit the discharge into the open air of the exhaust of any steam engine diesel engine, internal combustion engine, turbine engine or similar device so as to create in excess of 90 dB measured on acceleration at 10 meters distance.
- (f) **NOISE EMISSION NEAR SCHOOLS, HOSPITALS, RESORTS OR HOTELS.** No person shall cause or permit the creation of any unnecessary noise through the use of any device on any street adjacent to any hospital, school, resorts or hotels.

SECTION 5. - **AMBIENT NOISE QUALITY STANDARD.**

- (a) **CLASSIFICATION OF GENERAL AREAS.** For purposes of establishing ambient noise quality standards, areas within the Island are classified as follows:

CLASS A - a section or contiguous area, which requires quietness such as areas within 100 meters from school sites, nursery schools, hospitals, resort or hotels.

CLASS B - a section of contiguous area, which is primarily used for residential purposes.

CLASS C - a section or contiguous area, which is primarily a commercial area.

CLASS D - a section primarily reserved for light industrial area. (Existing light industrial activities such as metal craft, welding shops and the likes shall be relocated to areas designated by the zone plan).

- (b) The maximum allowable noise levels in general areas shall be those as indicated in Table 1.

ENVIRONMENTAL QUALITY STANDARDS FOR NOISE IN GENERAL AREAS:

CATEGORY OF AREA	DAYTIME & EVENING	MORNING	NIGHTTIME
A	50 db	45 db	40 db
B	55 db	50 db	45 db
C	60 db	60 db	55 db
D	Can only be allowed to operate at daytime only at 70 db		

(1) The standards are applied to the arithmetic median of at least seven (7) readings at the point of maximum noise level.

(2) The division of the 24 hour period shall be as follows:

- Morning 5:00 a.m. to 9:00 a.m.
- Daytime 8:00 a.m. to 10:00 p.m.
- Evening 6:00 p.m. to 10:00 p.m.
- Nighttime. 10:00 p.m. to 5:00 a.m. **(As Amended
(MO#234, series of 2005))**

SECTION 6. - **MEASUREMENT OF NOISE LEVEL.**

- (a) Noise level, shall be measured by a standard sound level meter, that meets the specifications of the American National Standards Institute (ANSI) S1.4-1971, or other specifications accepted by the Local Government Unit. The weighting network with "A" characteristic shall be used for measurement.

(b) The method of measurement of noise shall be as follows:

- (1) The figure indicated by a sound level meter where its indicator shows no fluctuations or any small fluctuations.
- (2) Where the indicator of a sound level meter records periodic or intermittent fluctuations with the highest peak almost regular, the average of the highest peak for respective fluctuations is recorded.
- (3) Here the indicator of a sound level meter records irregular and big fluctuation, the figure on the higher end of the 90 percent range of the levels is recorded.

(c) For point of fixed sources of pollution, the noise level shall be measured at the boundary line of the establishment, or at 30 meters from the boundary of a construction site.

SECTION 7. - **PENALTY.** Any person found guilty of violating this Ordinance shall be fined with TWO THOUSAND FIVE HUNDRED PESOS (₱2,500.00) plus confiscation of such equipment or any noise producing device or an imprisonment of not less than ten (10) days or both fine at the discretion of the Court.

ENACTED. OCTOBER 10, 2001.

APPROVED. DECEMBER 12, 2001.

APPROVED. SP RESOLUTION NO. 02-092, dtd. 3-15-2002.

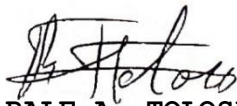
**Sec. 5, Par. B (2) amended by MO# 234, s. 2005, std. 12-08-05
Sec. 4, Par. C & Sec. 7, amended by MO# 276 s, 2004, dtd. 8-19-09**

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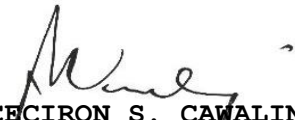
I HEREBY CERTIFY to the correctness of the afore-quoted Municipal Ordinance.


CONCORDIA S. ALCANTARA
Secretary to the Sangguniang Bayan

ATTESTED:


RALF A. TOLOSA
SB Member
Acting Presiding Officer

APPROVED:


CECIRON S. CAWALING
Acting Municipal Mayor