



Republic of the Philippines
Province of Aklan
MUNICIPALITY OF MALAY



Office of the Sangguniang Bayan

EXCERPT FROM THE MINUTES OF THE 34TH REGULAR SESSION OF THE SANGGUNIANG BAYAN OF MALAY, AKLAN (2004-2007) HELD AT THE MUNICIPAL ACTION CENTER, BALABAG, MALAY, AKLAN ON SEPTEMBER 21, 2006.

Present:

- Hon. Frolibar S. Bautista, Vice Mayor, Presiding Officer
- SB Member Julieta A. Aron
- SB Member Esel L. Flores
- SB Member Ralf A. Tolosa
- SB Member Dante C. Pagsuguiron
- SB Member Gideon T. Siñel
- SB Member Cristina C. Prado
- SB Member Charlie D. Villanueva
- SB Member Nolasco V. Claud, Liga President

Absent:

- SB Member John P. Yap
- SB Member Ladd E. Cahilig, SK Federation President (excused)

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MUNICIPAL ORDINANCE NO. 243
Series of 2006

AN ORDINANCE REGULATING ALL TERRAIN VEHICLES (ATV)/BUG CAR, GOLF CAR OPERATING IN THE ISLAND OF BORACAY AND PROVIDING PENALTIES FOR VIOLATION THEREOF.

SECTION 1. - **RATIONALE.** All electrically operated terrain vehicle (ATV), bug cars, and/or golf cars operating in the Island of Boracay proliferate and without any ordinance, policy and/or guideline in the operation thereof, the indiscriminate use of the same contribute to the congestion of the main roads of the island. Hence, this piece of legislation.

SECTION 2. - **DEFINITION OF TERMS.** For purposes of this ordinance the following terms and/or phrases shall mean:

ALL TERRAIN VEHICLE (ATV) - refers to a four wheeled electrically operated light vehicle classification and steering mechanism of which are classified as a motorcycle basically used for recreational and sports activities.

BUG CAR - a three or four wheeled electrically operated vehicle with or without a canopy classification and steering mechanism of which are classified as motorcycle basically for recreation and sport activities.

GOLF CAR - a three or four-wheeled light vehicle with or without a hood or canopy basically designed and used to facilitate movement of players and equipment inside a golf course.

MAIN ROADS - refer to chief public passages connecting main entry points of Boracay and all the barangays therein, to include but not limited to the following:

- Tambisaan via Bantud to Manocmanoc Proper.
- Manocmanoc Proper via Cagban and Angol to Puka Beach, Yapak.
- Balabag main road to Bolabog Beach
- All roads leading to Boat Stations 1, 2 and 3, respectively.

SECTION 3. - ALL TERRAIN VEHICLES (ATV), BUG CARS, GOLF CAR. REGULATORY POLICIES. It shall be mandatory for owners and/or operators of ATVs for rent in the Island of Boracay to comply with the following:

- a) Secure a Sangguniang Bayan endorsement and transport permit of the same from the Office of the Mayor before transporting the unit to Boracay.
- b) The ATV and bug car/golf cars shall be exclusively for recreational and/or sports activities only; the use of golf cars shall be confined strictly within the perimeters of the golf courses.
- c) Provide an exclusive operation area to not less than two hundred (200) square meters per ATV and bug car units;
- d) Parking, display and operation of the same shall be strictly confined, within the self-provided operation area.
- e) ATV units, bug car, and/or golf cars are restricted to enter and/or use the main roads of Boracay at all times.
- f) Each ATV, bug car, and/or golf car must be painted with a designated sequential number on the vehicle's body and such shall be indicated in the municipal registration form upon application.
- g) Each ATV and/or bug car operator, natural or juridical, shall only be allowed to operate a maximum of twenty (20) units regardless of its kind.

SECTION 4. - ATV, BUG CAR AND/OR GOLF CAR REGISTRATION. REGISTRATION FEE. It shall be mandatory for all owners and/or operators of ATVs, Bug Car and/or golf car to register the same with the Municipal Transportation Office (MTO). For purposes of this registration, the following requirements shall be submitted to the MTO:

- a) Mayor's Permit to Transport
- b) Barangay Certification as to the presence of area of operation as provided by this ordinance issued by the Barangay Captain where such area is located.

A registration fee in the amount of TWO THOUSAND PESOS (₱2,000.00), per unit, shall also be paid by the owner/operator of the ATV, bug car and/or golf car to the Municipal Treasurer's Office upon submission of their application for registration.

SECTION 5. PENALTIES. Any entity, natural or juridical, found violating the following indicated provisions of this ordinance shall suffer the corresponding penalties provided herein:

FOR VIOLATION OF ANY PROVISION OF SECTION 3 - a fine of TWO THOUSAND FIVE HUNDRED PESOS (₱2,500.00) per vehicle and impoundment of the same upon which the violator shall pay an impoundment fee of TWO HUNDRED PESOS (₱200.00) per day, per unit.

FOR VIOLATING SECTION 4 - a fine of ONE THOUSAND PESOS (₱1,000.00) per unit in the first offense. Continued defiance of registration after the first offense shall mean cancellation of Mayor's Permit to operate and impoundment of the units upon which the violator shall pay an impoundment fee of TWO HUNDRED PESOS (₱200.00) per day, per unit.

Owner/operators of the units impounded due to violations provided by this ordinance shall have five (5) office days to redeem the impounded vehicles. Failure to do so within the provided period, the impounded vehicle shall be transported to and impounded at Mainland Malay by the municipality at the expense of the units owner/operator payment of which shall be paid to the Office of the Municipal Treasurer before release of the subject ATV unit(s).

FOR THE THIRD AND SUBSEQUENT OFFENSES, the owner or operator of the subject ATV, Bug Car or Golf Car shall be imprisoned for a number of days at the discretion of the court which in no case shall be beyond twenty (20) days.

SECTION 6. - **AMENDMENTS**. Previous ordinances, orders, rules and regulations or parts thereof which are inconsistent with this ordinance are hereby repealed or modified accordingly.

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

ENACTED. JANUARY 26, 2006.

APPROVED. SEPTEMBER 21, 2006.

APPROVED: SP RESOLUTION NO. 07-087, dtd. 2-28-2007.

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



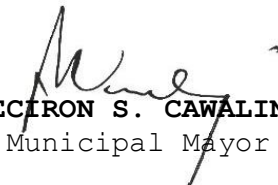
CONCORDIA S. ALCANTARA

Secretary to the Sangguniang Bayan

ATTESTED:


FROLIBAR S. BAUTISTA
Vice Mayor
Presiding Officer

APPROVED:


CECIRON S. CAWALING
Municipal Mayor