



Republic of the Philippines
Province of Aklan
MUNICIPALITY OF MALAY



Office of the Sangguniang Bayan

EXCERPT FROM THE MINUTES OF THE 25TH REGULAR SESSION OF THE SANGGUNIANG BAYAN OF MALAY, AKLAN (2007-2010) HELD AT THE SB SESSION HALL ON AUGUST 19, 2009.

Present:

Hon. John P. Yap, Municipal Vice Mayor, Presiding Officer
SB Member Gideon T. Siñel
SB Member Esel L. Flores
SB Member Rowen T. Aguirre
SB Member Cristina C. Prado
SB Member Dante C. Pagsuguiron
SB Member Mateo A. Tayco

Absent:

SB Member Wilbec M. Gelito
SB Member Charlie D. Villanueva
SB Member Roldan M. Casidsid, Liga President (OB)
SB Member Niño Elpe D. De Sullan, SK Federation President

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MUNICIPAL ORDINANCE NO. 276
Series of 2009

AN ORDINANCE AMENDING SECTION 4, PARAGRAPH C AND SECTION 7 OF MUNICIPAL ORDINANCE NO. 144, SERIES OF 2001, AN ORDINANCE DECLARING THE MUNICIPALITY OF MALAY AS A NOISE SENSITIVE ZONE AND ADOPTING RULES AND REGULATIONS OF THE NATIONAL POLLUTION CONTROL COMMISSION PERTAINING TO NOISE.

SECTION 1. - **RATIONALE.** Adjustment in the time of working hours, particularly to those who are using noise producing construction tools, is necessary in order to spare the guests of nearby resorts from disturbing and irritating noise. Further, penalties of Municipal Ordinance No. 144, must be stipulated with clarity, hence these amendments.

SECTION 2. - **AMENDMENT.** Section 4, Paragraph C, Municipal Ordinance No. 144, Series of 2001. Second sentence and subsequent sentences of Section 4, Paragraph c of Municipal Ordinance 144 is hereby amended to be read as follows:

"Construction of building or establishment in Boracay Island inside resort area shall only be allowed from 9:00 A.M. to 9:00 P.M., the whole year round the use of loud noise producing devices such as planers, steel cutters, edgers, sandlers, chainsaws, 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 9:30 A.M. up to 10:00 P.M. Likewise concrete mixers, jackhammers and other heavy equipment shall only be allowed to operate from 10:00 A.M. to 8:00 P.M. These aforementioned time limitations shall only apply to all constructions within one hundred (100) meter radius of operating resort establishment and/or other related areas.

In Mainland Malay, the use of the same loud noise producing devices, shall be allowable during the normal and regular working hours.

SECTION 3. **AMENDMENT.** Section 7, Municipal Ordinance 144, series of 2001. Section 7 of Municipal Ordinance is hereby amended to be read as follows:

"SECTION 7. - **PENALTY.** The following penalties shall be imposed to any person or establishment found guilty of violating any provisions this ordinance:

FIRST OFFENSE - Fine of TWO THOUSAND FIVE HUNDRED PESOS (₱2,500.00) and stern warning that repetition of the same would result to confiscation of subject tools.

SECOND OFFENSE - Fine of TWO THOUSAND FIVE HUNDRED PESOS (₱2,500.00) and confiscation of such equipment or any Noise producing devise and sterner warning that repetition of the same would result to cancellation/revocation of municipal license/Mayor's Permit.

THIRD & SUBSEQUENT OFFENSE - Cancellation / Revocation of municipal license or Mayor's Permit plus fine of TWO THOUSAND FIVE HUNDRED PESOS (₱2,500.00) plus confiscation of such equipment or any noise producing devise or an imprisonment of not less than ten (10) days or both fine at the discretion of court."

SECTION 4. - **EFFECTIVITY.** This ordinance shall take effect upon its approval.

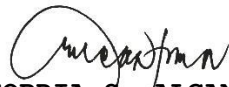
ENACTED. JULY 1, 2009.

APPROVED. AUGUST 19, 2009.

APPROVED: SP RESOLUTION NO. 2009-251, dtd. 10-1-09.

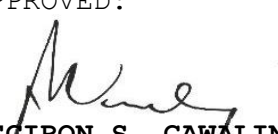
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I HEREBY CERTIFY to the correctness of the afore-quoted Municipal Ordinance.


CONCORDIA S. ALCANTARA
Secretary to the Sangguniang Bayan

ATTESTED:


JOHN P. YAP
Municipal Vice Mayor
Presiding Officer

APPROVED:

CECIRON S. CAWALING
Municipal Mayor