
Present:
Hon. Frolibar S. Bautista, Vice Mayor, Presiding Officer
SB Member Ralf A. Tolosa
SB Member John P. Yap
SB Member Abcedes S. Dela Torre
SB Member Allan T. Bigueja
SB Member Leny S. Sacapano
SB Member Dante C. Pagsuguiron
SB Member Joel V. Gelito, Liga President
SB Member Ladd E. Cahilig, SK Federation Presiding

Absent:
SB Member Charlie D. Villanueva
SB Member Julieta A. Aron

MUNICIPAL ORDINANCE NO. 170
Series of 2002

AN ORDINANCE PRESCRIBING LIMITS ON FENCING AND LANDSCAPING AT BORACAY ISLAND AND PRESCRIBING PENALTIES FOR VIOLATION THEREOF.

(Sponsor: Hon. Abcedes S. Dela Torre)

SECTION 1. - DEFINITION OF TERMS. The following terms or phrases, as used in this Ordinance, shall mean:

No Build Zone - pertains to restricted areas twenty-five (25) meters from the mean high water mark moving inward from the beach line where construction of structures of any nature is strictly prohibited.

Main Road - pertains to the primary road connecting all the barangays of Boracay and serving as the main thoroughfare in the island where all vehicles of whatever nature are permitted to traverse.

Fences Setback - pertains to the prescribed distances as provided by Section 21, Article VI, Municipal Ordinance No. 2000-130 (The Zoning Ordinance) upon which fences may be constructed or built.

Access Road - pertains to secondary roads connecting two or more main roads or the main road and the path road basically used by pedestrians or by small and light vehicles.

Path Road - pertains to the pedestrian walkway located along the beachfront where vehicles of whatever nature are prohibited to traverse.

SECTION 2. FENCES ALONG THE BEACHFRONT. Only fences made of wood or other indigenous materials or shrubs and hedges shall be allowed along the beachfront areas, the height of which shall not exceed 1.5 feet from the established grade and in no case within the twenty five (25) meters no build zone area and must be white color painted. This enclosure must provide enough passageway for pedestrian from the path road to the beach and vice-versa.
SECTION 3. FENCES ALONG THE MAIN ROAD. Total concrete fences fronting the main road may be permitted provided it shall not exceed the height limit of 1.2 meters from the established grade. Fencing in excess of the prescribed height limit may likewise be permitted provided it shall be an open fence using materials such as hog mesh wire, grills, concrete balusters and other related materials not destructive to the aesthetic view of the surroundings.

SECTION 4. FENCES. OTHER AREAS. Total concrete fences in areas not fronting the main road may be permitted provided the height of which shall not exceed 1.8 meters. Fencing in excess of the prescribed height limit may likewise be permitted provided it shall be an open fencing as provided by the preceding section.

SECTION 5. SETBACK. FENCES. Construction of fences shall comply with the setback requirements provided by Section 21, Article VI, Municipal Ordinance No. 2000-130, the Municipal Zoning Ordinance.

SECTION 6. FENCING PERMIT. Fences provided by Sections 3, 4 and 7 (f) shall require a fencing permit granted by the Municipal Engineering Office.

SECTION 7. LANDSCAPING. The following landscaping provisions shall be strictly observed:

a) Preservation of trees and other species of plants in the Island is mandatory, except if it is hazardous to life and property.

b) Trimming of trees are allowed but cutting is strictly prohibited.

c) Any geological features and landscape assets of the site such as trees, rock outcrop, natural terrain and general landscape character shall be preserved and enhanced.

d) Identification of landscaping plant materials shall be part of the site development plan submitted to the Zoning Administrator/Official for approval before start of any construction/development activities.

e) After construction is completed, all exposed areas in the site shall be planted with appropriate groundcover and plant materials, which shall be of non-thorny varieties.

f) Temporary fence for plant protection shall be allowed made of light materials and should not be more than 1.5 meters.

SECTION 8. PENALTIES. Owners of properties or developments who violate any provision of this ordinance shall suffer a penalty of TWO THOUSAND FIVE HUNDRED PESOS (₱2,500.00) and, after due notice, demolition of the violative structure at the owner’s expense.

SECTION 9. REPEALING CLAUSE. Any ordinance inconsistent herewith is hereby repealed or modified.

SECTION 10. EFFECTIVITY. This ordinance shall take effect upon approval and proper publication.

ENACTED. AUGUST 7, 2002.

APPROVED. AUGUST 28, 2002.

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

ATTESTED:

CONCORDIA S. ALCANTARA
Secretary to the Sangguniang Bayan

FROLIBAR S. BAUTISTA
Vice Mayor
Presiding Officer

APPROVED:

CECIRON S. CAWALING
Municipal Mayor