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REX A. RETANA
SB Member

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SB Member

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GUALBERTO B. PICAL, JR.
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Excerpt from the

MINUTES OF THE 39TH REGULAR SESSION OF THE SANGGUNIAN BAYAN OF BAYBAY, LEYTE HELD AT SESSION HALL ON OCTOBER 31, 2006.

PRESENT:

HON. FLORANTE M. CAYUNDA.....	Municipal Vice Mayor & Presiding Officer
HON. ERNESTO M. BUTAWAN.....	Sangguniang Bayan Member
HON. VICENTE G. VELOSO.....	-do-
HON. DEOGRCIAS E. PERNITEZ.....	-do-
HON. JOSE C. GO.....	-do-
HON. EDGARDO R. OMPOY.....	-do-
HON. JUANITO B. MODINA.....	-do-
HON. REX A. RETANA.....	-do-
HON. EDUARDO S. GUINOCOR, JR.....	-do-
HON. MICHAEL L. CARI.....	President, Liga ng mga Barangay
HON. GUALBERTO B. PICAL, JR.....	President, SK Federation

ABSENT:

N O N E

MUNICIPAL ORDINANCE NO.005 S. 2006

ARTICLE I. Short Title

AN ORDINANCE AMENDING MUN. ORDINANCE NO. 01 S. 2005" ON COMPREHENSIVE SOLID WASTE MANAGEMENT ORDINANCE OF THE MUNICIPALITY OF BAYBAY, LEYTE.

INTRO. & SPONSORED BY: SBM JUANITO B. MODINA & SBM ERNESTO M. BUTAWAN

ARTICLE II. Coverage

This Ordinance shall apply to all residential houses, commercial establishments such as; but not limited to public markets, department stores and groceries, agoras shops, stalls, stores, slaughterhouses, restaurants, eateries, carenderias, barber shops, beauty parlors; recreational and entertainment facilities such as theaters, billiard halls, discos, dance halls, beach resorts, hotels, cinema houses; public and private institutions which include but are not limited to hospitals, funeral parlors, schools, churches, and offices; industrial establishments such as factories, plants, and other similar establishments; and agricultural areas within the following Poblacion Zones 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, and Barangay Sto. Rosario.

ARTICLE III. Authority

This Ordinance shall serve as the legal and policy framework for the management of urban solid waste in the Municipality of Baybay and is enacted to supplement the provision of existing laws and ordinances related to solid waste management, specifically Republic Act No.9003 Ecological Solid Waste Management Act of 2000.

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ARTICLE IV. Purpose, Goals, and Objectives

Section 1. Purpose

The primary purpose of this Ordinance is to promote and protect the local environment and general welfare of the people of the Municipality of Baybay through practical and integrated solid waste management.

Section 2. Goals

- a. To guide, control, and regulate the generation, storage, collection, transportation, and disposal of solid waste and to promote an orderly and sanitary system of waste disposal.
- b. To create effective institutional mechanisms for the solid waste management program.
- c. To promote and encourage ecological solid waste management practices.

Section 3. Objectives

- a. To provide regularly scheduled and consistent segregated solid waste collection and disposal services.
- b. To eradicate unsightly, uncovered, and overflowing waste containers in the streets, public places, and open spaces.
- c. To create the following institutional mechanisms:
 - a. Waste Management Office
 - b. Municipal Waste Council
 - c. Waste Managers
 - d. Solid Waste Management Trust Accounts
 - e. Solid Waste Management Fee Program.
- d. To provide continuous education and information drives on waste segregation, composting, recycling, and feed recovery.

ARTICLE V. Definition of Terms

- a. Agricultural waste solid waste, such as rice hulls, straw, and corn cobs, originating from agricultural activities.
- b. Biodegradable waste any solid waste that can be reduced into finer particles, degraded, decomposed, or composted in a timely manner by natural processes involving microorganisms. Biodegradable waste includes but is not limited to: food, cooking, or kitchen waste; agricultural or garden waste; and animal waste.

Commercial waste solid waste originating from commercial establishments, industrial firms, and institutions as distinguished from domestic waste, agricultural waste, etc.

- d. Composting the process of biological degradation of biodegradable materials such as food waste, garden waste, animal waste, and other household waste into compost, soil conditioner, or fertilizer.

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- e. Feed materials food waste, peelings, vegetable trimmings, fish entrails, fowl innards, spoiled fruits, leftovers, eggshells and rice, and fish or meat washing that can be used as hog, chicken, duck, pet or fish feeds.
- f. Hazardous waste special types of waste containing chemical, biological, and radiological elements that are harmful to human health.
- g. Littering the typically thoughtless act of disposing of solid waste in an untidy or undisciplined manner.
- h. Non-biodegradable waste solid waste that cannot be degraded, decomposed, or composted in a timely manner by natural processes and which include: metals; glass materials; plastics; natural and synthetic rubber products; paper and card boards; dry processed fibers; leather and rubber; fabrics; hard shells; bones; and rocks.
- i. Open burning the uncontrolled burning of solid waste.
- j. Recycling the reuse, retrieval, and decommission of materials, or the process by which waste materials are transformed into new products.
- k. Residential waste solid waste originating from households and residences.
- l. Residual waste the solid waste left over and ready for final disposal after waste reduction, segregation, recycling, composting, and feed recovery activities have taken place.
- m. Scavenging the solid waste recovery activities of recyclable materials from the waste.
- n. Solid waste any object that is thrown away and commonly regarded as garbage, rubbish, trash, junk, and refuse from homes, farms, business establishments, industries, and institutions, or discarded materials resulting from domestic, agricultural, commercial, industrial, and institutional activities. Solid waste does not include hazardous waste. Examples of solid waste include but are not limited to cigar/cigarette butts, boxes, packaging materials, candy and bread wrappers, plastic food wrappers, used clothing, match sticks, disposable diapers, soft drink containers, containers of all kinds, bones, branches, sticks, leaves, lawn clippings, and construction debris.
- o. Solid waste management the purposeful and systematic discipline associated with the control of the generation, segregation, storage, collection, transport, separation, processing, recycling, recovery, and final deposition of solid waste in a manner that is in accord with the best principles of public health, economics, engineering, conservation, aesthetics, and other environmental considerations, and that is also responsive to public attitudes.
- p. Waste segregation the separation of waste into distinct classifications of solid waste, most notable biodegradable and non-biodegradable solid waste. More precise classifications include but are not limited to glass, metal, paper, plastic, rubber, leather, cloth, kitchen, yard waste, and dust and fines.

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ARTICLE VI. Ecological Solid Waste Management Practices

Section 1. Continuous Education

The Municipality shall conduct solid waste management education and information drives for all residents, operators of commercial establishments, responsible officers of industrial firms, and heads of institutions. Education shall be composed of but not limited to waste segregation, recycling, composting, feed recovery, and who to contact in case of concerns or inquiries with the operation of the urban solid waste management program.

Section 2. Waste Segregation

The Municipality shall implement a biodegradable/non-biodegradable hazardous waste segregation program for the urban area. Wastes are to be segregated at the sources of generation: households, businesses, and institutions. Biodegradable and non-biodegradable waste shall be collected. Non-segregated waste shall not be picked up until such time it is segregated.

Section 3. Recycling

The Municipality shall encourage and promote recycling activities to reduce the amount of residual waste for final disposal and to provide sources of income for residents.

Section 4. Composting

The Municipality shall encourage and promote backyard heap, pile, and pit composting methods during solid waste management education events to reduce the amount of residual waste for final disposal and to provide a source of soil conditioner.

Section 5. Feed Recovery

The Municipality shall encourage and promote feed recovery: the use of food and kitchen refuse as feed material given to animals. The residences, commercial establishments, industrial firms, or institutions concerned shall make the necessary arrangements with the collector of the feed materials on the mode of storage, collection, and transport of food and kitchen refuse.

ARTICLE VII. Waste Generation and Storage Regulations

Section 1. Residential Waste

- a. Residents shall segregate their solid waste into biodegradable and non-biodegradable waste.
- b. Residents shall ensure that generated non-biodegradable solid waste shall be properly enclosed in receptacles/containers such as trash cans, sacks, bags, bins, etc. that will facilitate sanitary, efficient handling, storage, collection, transport, and/or disposal. Biodegradable solid waste shall be placed in containers and sacks that facilitate sanitary, efficient handling, storage, collection, disposal, and composting.

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- c. Private residential waste receptacles/containers are to be stored within their respective residential units or compounds except during collection periods. Residents will be considered in violation of this Ordinance for storing their waste in unenclosed piles, at any time, outside of their residential units or compounds.
- d. Residents may place their waste in waste receptacles/containers provided by the local government provided the waste receptacles/containers are not already full of waste. Residents will be considered in violation of this Ordinance for placing waste near or beside an already full waste receptacle/container.
- e. Public thoroughfares and the grounds in front or in the vicinity of residential houses including the drainage canals shall be kept clean and tidy by the owners or lessees of residential houses or buildings at all times.

Section 2. Commercial, Industrial, and Institutional Waste

- a. Commercial establishments, industrial firms, and institutions shall ensure their respective solid waste is properly enclosed in receptacles/containers such as trash cans, sacks, bags, bins, etc. that will facilitate sanitary, efficient handling, storage, collection, transport, and/or disposal.
- b. Private commercial, industrial, or institutional waste receptacles/containers are to be stored within the respective commercial, industrial, or institutional units or compounds except during collection periods. Commercial establishments, industrial firms, and institutions will be considered in violation of this Ordinance for placing their solid waste in unenclosed piles, at any time, outside of their respective units or compounds.
- c. Commercial establishments, industrial firms, and institutions may place their solid waste in waste receptacles/containers provided by the local government if any provided the waste receptacles/containers are not already full of solid waste. Commercial establishments, industrial firms, and institutions will be considered in violation of this Ordinance for placing solid waste in unenclosed piles, at any time, outside of their respective units or compounds.
- b. The lobby, sidewalk, grounds, facilities, yards, and areas immediately surrounding or adjacent to a commercial establishment, industrial firm, or institution, including the drainage canals, fronting sidewalk, and street, shall be maintained and kept clean, orderly, and presentable by the owners, operators, or lessees of the establishment.

Section 3. Agricultural Waste

Homogenous agricultural waste such as rice hulls, straw, corncobs and animal manure shall be properly stockpiled in an appropriate location for storage and composting.

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Rice hulls and corn has to be dump at the dumpsite at the expense of the owner.

ARTICLE VIII. Collection and Transportation

Section 1. Residential Waste

- a. Residents shall bring out and place their biodegradable waste in the proper receptacles/containers in front of their gates, doors, unit, compound, or along the collection route of the collection vehicle during the collection period.
- b. Residents shall bring out and place their non-biodegradable waste in the proper receptacles/containers in front of their gates, doors, unit, compound, or along the collection route of the collection vehicle during the collection period.
- c. Biodegradable solid waste may be emptied from plastic containers and sacks into the collection vehicle, but plastic sacks and containers may not be mixed in with biodegradable waste during collection.
- d. Residential solid waste that has not been placed in appropriate waste receptacles/containers shall not be collected and shall be treated as disposed of in violation of the anti-littering provision of this Ordinance and the responsible resident(s) shall be held liable and penalized accordingly. However, should the waste material cause danger to the residents the same shall be collected in accordance with the special rules and guidelines established by the Solid Waste Management Council for this purpose.
- e. Residents shall bring their respective waste receptacles/containers back into their compound or unit after the collection period has ended.
- f. If collection vehicles do not make their regularly scheduled collection routes, residents shall bring their respective segregated solid waste back into their compounds and store them until the next appropriate collection period.
- g. Residents shall report to concerned officials any uncollected solid waste within the vicinity of their residences.

Section 2. Commercial, Industrial, and Institutional Waste

- a. Commercial establishments, industrial firms, and institutions shall bring out and place their biodegradable waste in the proper receptacles/containers in front of their gates, doors, unit, compound, or along the collection route of the collection vehicle during the collection period.
- b. Commercial establishments, industrial firms, and institutions shall bring out and place their non-biodegradable waste in the proper receptacles/containers in front of their gates, doors, unit, compound, or along the collection route of the collection vehicle during the collection period.
- c. Commercial establishments, industrial firms, or institutions that have not placed their solid waste in appropriate waste receptacles/containers shall be treated as disposed of in violation of the anti-littering provision of this Ordinance and the responsible president, manager, director, or persons responsible for its operation shall be held liable and penalized accordingly.
- d. Commercial establishments, industrial firms, and institutions shall bring their respective waste receptacles/containers back into their compound or unit after the collection period has ended.

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- e. If collection vehicles do not make their regularly scheduled collection routes, commercial establishments, industrial firms, and institutions shall bring their respective segregated solid waste back into their compounds and store them until the next appropriate collection period.

Section 3. Collection Schedule, Standards and Vehicles

- a. Periodic schedule shall be determined by the Solid Waste Manager.

ARTICLE IX. Final Disposal of Solid Waste

Section 1. Open Burning of Solid Waste

- a. Open burning of all solid waste is prohibited within urban residential, commercial, industrial, and institutional areas.
- b. Open burning of plastic and other waste that produces toxins and substances that cause unreasonable damage to public health and the environment shall be prohibited in the agricultural and rural areas of Baybay.

Section 2. Residential Solid Waste

- a. Final disposal of biodegradable residential solid waste shall be placed in a separate location specified for biodegradable waste within the landfill facility.
- b. Final disposal of non-biodegradable residential solid waste shall be placed in a separate location specified for non-biodegradable waste within the landfill facility.

Section 3. Commercial, Industrial, and Institutional Solid Waste

1. Final disposal of biodegradable commercial, industrial, and institutional solid waste shall be placed in a separate location specified for biodegradable waste within the landfill facility.
2. Final disposal of non-biodegradable commercial, industrial, and institutional solid waste shall be placed in a separate location specified for non-biodegradable waste within the landfill facility.

Section 4. Final Disposal Site

- a. Only authorized vehicles are allowed to enter the landfill facility for dumping operations. Vehicles may obtain written authorization from either the Municipal Mayor or the Municipal Waste Manager.
- b. Private vehicles may place their segregated solid waste in the landfill facility provided they have obtained written authorization from the Municipal Waste Manager, have paid the required tipping fee as described below, and will place their solid waste within the landfill facility as instructed by the Municipal Waste Manager.
- c. Open burning of solid waste is prohibited.
- d. Smoking is prohibited at the landfill facility to reduce the risk of starting a garbage fire.

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Section 5. Scavenging

- a. Scavenging is prohibited.

ARTICLE X. Hazardous Waste

Section 1. Reporting of Hazardous Waste

Commercial establishments, industrial firms and institutions shall upon application for the issuance of the renewal of business permits, inform the Municipal Mayor about the presence or production of hazardous biological, pathological, chemical and/or radioactive waste in their operations. Otherwise, its failure to report shall be grounds for non-issuance or non-renewal of the applicable municipal business permit or the revocation of an existing

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business permit. In addition to the penalty imposed provided in this ordinance

Section 2. Storage of Hazardous Waste

- a. Hazardous biological, pathological, chemical, and radioactive waste, whenever necessary, shall be pre-treated or properly disinfected and stored in non-perishable, impermeable, disposable, tightly-covered receptacles located in a site that is secure and not easily accessible to the general public and in compliance with the rules and regulations formulated by concerned national agencies the such as the Environmental Management Bureau of the Department of Environment and Natural Resources (EMB-DENR), Department of Health (DOH), the Philippine Nuclear Research Institute (PNRI), Department of Science and Technology (DOST), and other pertinent government agencies.
- b. The Municipality shall identify strategically located commercial establishments, industrial firms, or institutions that shall serve as hosts for collection bins for all types of discarded batteries.

Section 3. Collection and Transport of Hazardous Waste

The collection and transportation of all hazardous waste, whenever necessary, shall be coordinated with government agencies who are responsible or concerned with the disposal of such waste. Hazardous waste shall be transported to facilities capable of treating them for final disposal

Section 4. Final Disposal of Hazardous Waste

Hazardous waste shall be placed in a separate location specified for hazardous waste within the landfill facility.

ARTICLE XI. Littering

- a. No person shall litter, dump, throw, or dispose of solid waste in alleys, streets, highways, sidewalks, vacant lots, and other public areas, e.g. the sea, parks, playgrounds, rivers, and riverbanks.
- b. All owners/operators of commercial or private vehicles including but not limited

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to buses, jeepneys, motorcycles, tricycles, pedicabs, cars, and multi-cabs shall be held liable for any violation of this Ordinance for any waste material thrown from the vehicle by its crew workers or passengers at any time whether parked or moving. Buses and jeepneys are required to have waste receptacles inside their passenger compartments. Waste from these receptacles shall be emptied into waste receptacles/containers at the Baybay Bus Terminal.

- c. Pet owners shall be responsible for cleaning up solid waste scattered by their pets in public places. Pet owners who do not clean up the solid waste scattered by their pets in public places shall be considered in violation of this Ordinance and shall be penalized accordingly

ARTICLE XII. Implementing Guidelines

Section 1. Waste Management Office

The Municipality shall establish a Waste Management Office that shall manage, monitor, and control the production, storage, processing, and final disposal of solid waste.

The Waste Management Office shall be made up of the following personnel:

1. Municipal Waste Manager
2. Office clerk
3. Garbage collectors and drivers
4. Others as necessary

The responsibilities and duties of the Waste Management Office may be expanded to manage, monitor, and control the production, storage, processing, and final disposal of liquid waste and air pollution.

Section 2. Waste Management Council

The Municipality shall designate a Waste Management Council to perform the following functions:

- a. Collaborate with the Municipal Waste Manager on the creation, modification, and implementation of plans and policies related to solid waste management, including the creation and necessary modifications to the 10-yr Solid Waste Management Plan.
- b. Collaborate with the Municipal Waste Manager on the creation, modification, and implementation of continuous ecological solid waste management education programs.
- c. Authorized the Solid Waste Management Council to formulate the implementing guidelines and schedules regarding the collection of solid waste material and properly implement this ordinance.

The policy arm of the Waste Management Council shall be made up of the following members:

- a. Municipal Mayor as chairperson,
- b. Chairperson of the Sangguniang Bayan Committee on the Environment as vice-chairperson,
- c. Municipal Waste Manager,
- d. Associated Barangay Council President,
- e. SK Federation Chairman,
- f. One (1) representative from an accredited non-government organization (NGO)

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- working on solid waste management or on environmental concerns
- g. Municipal Health Officer.
- h. Other members as necessary for the effective functioning of the Council.

The implementation arm of the Waste Management Council shall be the *Task Force Panghinlo*, as appointed by the Municipal Mayor.

The responsibilities and duties of the Waste Management Council may be expanded to collaborate on the management, monitoring, and control of the production, storage, processing, and final disposal of liquid waste and air pollution.

Section 3. Waste Managers

(a) Municipal Waste Manager

The Municipality of Baybay shall designate a Municipal Waste Manager who shall have the following functions:

1. Manage and oversee the day-to-day operations of the solid waste management program including.
 2. Monitor the compliance to the provisions of this Ordinance in the storage, collection, and transport of solid waste.
 3. Collaborate with the Municipal Waste Council on the creation, modification, and implementation of plans and policies related to solid waste management, including the creation and necessary modifications to the 10-yr Solid Waste Management Plan.
 4. Collaborate with the Municipal Waste Council on the creation, modification, and implementation of continuous ecological solid waste management education programs.
 5. Monitor the compliance to the provisions of this Ordinance in the storage, collection, and transport of solid waste.
 6. Collect and analyze data relevant to the efficient operation, monitoring, and development of the solid waste management program.
 7. Announce and/or post the collection schedule for particular locations on community news boards. Any change or alteration of the schedules will be announced and notification provided to the Barangay Waste Manager of the affected barangays by the Municipal Waste Manager.
 8. Perform other duties not specified above that are related to the efficient operation, monitoring, and development of the solid waste management program.
- (a) To supply all the necessary equipments and supplies for the proper and sanitary conditions of all workers, such as but not limited to monthly supply of gloves, masks, alcohol, etc. for collectors.
 - (b) **Exercise police power for the efficient and effective implementation of this Ordinance and may arrest or cause the arrest of any person or group of persons committing a violation thereof.**

The responsibilities and duties of the Municipal Waste Manager may be expanded to manage, monitor, and control the production, storage, processing, and final disposal of liquid

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waste and air pollution.

(b) Barangay Waste Managers

Each urban barangay shall designate a Barangay Waste Manager who shall have the following functions:

1. Monitor the compliance to the provisions of this Ordinance in the storage, collection, and transport of solid waste.
2. Promote and provide technical assistance to residents in the establishment and maintenance of household-level compost pits, piles, and bins.
2. All Barangay Waste Managers shall report to the Municipal Waste Manager any uncollected solid waste within the vicinity of the respective barangay.

Section 4. Solid Waste Management Trust Accounts

(b) Municipal Solid Waste Management Trust Account

1. The Municipality shall establish a trust account for the solid waste management program to be managed by the Municipal Waste Manager to facilitate the efficient operation and tracking of income and expenses of the solid waste management program.
2. All sources of income related to solid waste management including but not limited to government funding, fees, and fines shall be deposited into the Trust Account. The Trust Account shall be charged for all related solid waste management program expenses.
3. The amount of fifty thousand pesos (P50,000.00) is hereby initially allocated from the current operating budget of the Municipality to cover the initial expenses to be incurred in carrying out the provisions of this Ordinance. The amount necessary to carry out the provisions of this Ordinance shall be charged to the current fiscal year appropriations of the General Services Department of the Municipality. Thereafter, such sums as may be necessary for the implementation of this Ordinance shall be included in the Annual Budget Ordinance and shall be deposited into the Trust Account.

(c) Barangay Solid Waste Management Trust Account

1. Each barangay shall establish a Barangay Solid Waste Management Trust Account to facilitate the efficient operation and tracking of income and expenses for each barangay's respective solid waste management activities.
2. All sources of income related to solid waste management program including but not limited to government funding, fees, and fines shall be deposited into the Trust Account. The Trust Account shall be charged for all solid waste management program expenses.

Section 5. Solid Waste Management Fees

Solid Waste Management Fees shall be used to supplement other sources of revenue for the operation and maintenance of the municipal solid waste management program. All fees shall be used only for solid waste management related expenses.

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(c) Residential Fee

1. Residential units shall be charged a Residential Fee of ten pesos (P10.00) per month. The Barangay Waste Manager shall be responsible for collecting the fee on a monthly basis. An official receipt shall be issued to residents with the payment of the monthly fee.
2. The Barangay Waste Managers shall remit the total collected residential fees to the Municipal Treasurer on the 15th and 30th of each month, or the day nearest the 15th or 30th if the Municipal Treasurer's office is closed.
3. The Municipal Waste Manager shall remit thirty (30) percent of the total collected residential fees to the respective barangay. The thirty (30) percent remitted to the barangays shall be deposited in their respective Barangay Solid Waste Management Trust Accounts. The remainder of the collected fees shall be deposited in the Municipal Solid Waste Management Trust Account.
3. Indigent households with monthly household incomes of less than two thousand pesos (P2,000.00) are exempted from the fee. Indigent households must obtain certification from the Department of Social Welfare and Development and their respective barangay to qualify
4. for the exemption.

(d) Commercial, Industrial and Institutional Solid Waste Management Fee

1. The commercial and industrial fee shall be included in the business permit application process.
2. The fee shall be the lesser of the two amounts:
 - a. Reported Gross Annual Sales x 0.004, or
 - b. Two thousand pesos (P2,000.00) per annum.
3. The fee shall be paid with other fees included in the business permitting process. Businesses may choose to pay the fee quarterly or annually. Collected fees shall be deposited into the Municipal Solid Waste Management Trust Account.
4. Non-payment of the fee at the end of the calendar year shall be grounds for the non-renewal of applicable business permits issued by the Municipality.
5. **Provided, those business shall initiate and operate their own waste management schemes, to be examined and approved by the Solid Waste Management Council and that of the Solid Waste Management Officer.**
6. The institutional fee shall be paid annually on the June 30th by the institution thru their appointed representative of the respective institution. The fee is to be paid at the Municipal Treasurer's office.
7. The amount of the fee shall be as follows:
 - a. Hospitals shall be charged Four thousand pesos (P4,000.00) per year.
 - b. Private Schools with High School, College shall be charged Five thousand pesos (P5,000.00) per year. And Two Thousand four hundred (P2,400.00) maximum per year to those private schools that offers only elementary grade.
 - c. All other offices and institutions shall be charged one thousand pesos (P1,000.00) per year.

(e) Landfill Facility Tipping Fee

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SB Member

The landfill facility tipping fee is fifty pesos (P50.00) per load per trip. The fee is to be paid at the Municipal Treasurer's Office after written authorization has been obtained from either the Municipal Mayor or the Municipal Waste Manager.

Section 6. Implementation Time frame

1. The Waste Management Office shall be established and functional within fifteen (15) days of the effectivity date.
2. The Waste Management Council shall be organized and functional within fifteen (15) days of the effectivity date
3. A Municipal Waste Manager position shall be created and filled within three (3) months of the effectivity date.
4. Each barangay shall designate and submit the name of its Barangay Waste Manager to the Municipal Waste Council within thirty (30) days of the effectivity date.
5. Municipal and Barangay Solid Waste Management Trust Accounts shall be established within fifteen (15) days of the effectivity date.
6. Solid Waste Management Fees shall be charged and collected within fifteen (15) days of the effectivity date.

Section 7. Visitorial Powers

The Local Chief Executive, may, by himself or through the Municipal Solid Waste Management or the Municipal Health Officer or any qualified person duly designated by the Local Chief Executive, investigate, inspect or examine records, books and other documents relating to solid waste management operations of the permit holders to determine compliance of this Ordinance and in the performance of their duties and responsibilities, shall have free entry into areas covered by the business permit.

ARTICLE XIII. Penalties

Section 1. a. Any person who violates any of the provisions mention in Section 1, Article VIII, Sections 1, 2, 4, and 5 of Article IX and all paragraphs of Article XI, shall be apprehended and required to pay a fine of Two Hundred Pesos (P200), should the violators opted not to be charged in court, otherwise, he shall be charged and upon conviction will be panalized of a a fine of not less than Two Hundred Fifty Pesos but not more than Five Hundred Pesos or an imprisonment of not less that one (1) day but not more than fifteen (15) days, or both at the discretion of the court.

b. Any commercial establishment, industrial firm or institution either public or private which violates any of the provisions mention in Section 2 of Article VIII, Sections, 1, 3, and 4 of Article IX, Sections 1, 2 3, and 4 of Article X said entities, shall be required to pay a fine not less than Five Hundred Pesos (*P500.00) but not more than One Thousand Pesos (P1,000.00) should the entities opted not to be charged in court, otherwise, the highest officials of said entities shall be charged in court and upon conviction shall be penalized of a fine of not less than One Thousand Pesos (P1,000.00) but not more than Two Thousand Five Hundred Pesos (P2,500.00) or an imprisonment of not less than ten (10) days but not more than fifteen (15) days or both at the discretion of the court;

c. The fine and or penalties collected shall form part of the Municipal Solid Waste Management Trust Account and to be used in its operation.

d. In addition of the above-penalties, the violators including the highest official of the erring entities as the case may be shall be required to undergo one day seminar on solid waste management, and the cancellation of its business and mayor's permits and non renewal of the same;

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e. Any act done in violation of this Ordinance shall also subject the offender(s) to the following administrative penalties and fine.

1. For individual	1 day seminar on Solid Waste Management
2. For Presidents, Managers, owners/proprietors or administrators of eateries, carenderias, barbershops, massage parlors dress and tailoring shops, shoe shops, boutiques, coffee shops, schools farmers, PUV and private vehicles and the like.	Php 300.00 fine, and one (1) day seminar on Solid Waste Management.
3. For Presidents, Managers, owners, operators or administrators of banks, offices (either private or public), printing shops, book stores, drugstores/pharmacies, pawnshops, lending institutions, PU buses, three (3) gross tonnage fishing boats and the like.	PhP 500.00, non-issuance of clearances and/or non-renewal of business permit and 1 day Seminar on Solid Waster Management.
4. For presidents, managers, owners of recreational centers, entertainment spots, transport terminals, garage (public or private), clinics, inns/pension houses, 1 star hotel, grocery stores, restaurants, mills/dryers, appliance centers, hard wares, haulers and vans above three (3) gross tons fishing boats and the like.	PhP 1,000.00 fine, and one (1) day seminar on Solid Waste Management.
5. For presidents, managers, proprietors or operators of 2-star hotels.	PhP 2,000.00 fine, and 1 day seminar on solid waste management.
6. For presidents, managers, proprietors of resorts (beach, spring or mountain), wharves (public or private), airport, 3 star hotels, laboratories and the likes.	PhP 2,500.00 fine and 1 day seminar on Solid Waste Management.
7. For presidents, managers, proprietors of 4 star hotels	PhP 2,500.00 fine, and 1 day seminar on solid waste management.
8. For presidents, managers, proprietors of factories/plants, livestock and slaughterhouses, department stores/malls, hospitals (public or private), funeral parlors, commercial ships (passenger and cargo), 5 star hotels and the likes.	PhP 2,500.00 fine, and 1 day seminar on Solid Waste Management.

Or any imprisonment of not more than two(2) months, or both fine and imprisonment, at the discretion of the Court, without prejudice to the imposition of a higher penalty of cancellation of Mayor's Permit as the case may be should the opted to be changed in court. In the case of incapacity or refusal to pay on the part of the accused, he shall be punished by imprisonment for a period equivalent of eight pesos (P8.00) per day but in no case the imprisonment will more than two (2) months.

Section 2. COLLECTION AND DISPOSITION OF FINES

The payment of fines for violation of this Ordinance shall be at the Municipal Treasurer's Office, Baybay, Leyte, or at the Barangay Treasurer's Office that has territorial jurisdiction over where the violation was committed.

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EDGARDO R. ONPOY
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1. The fines collected in violation of the Ordinance shall accrue in favor of the following:

- a. 60% to the Municipal Solid Waste Management Fund if apprehension is made by the Municipal Enforcers, or to the Barangay where the violation was committed if apprehension is made by the barangay enforcers.
- b. 15% to fund the Research and Development Projects related to waste management of the MSWM Board.
- c. 25% to fund the incentive program in support to this Ordinance.

ARTICLE XIV. Final Provisions

Section 1. Repealing Clause

Ordinance rules and regulations contrary to or inconsistent with the provisions of this Ordinance are hereby amended, repealed, or modified accordingly.

Section 2. Separability Clause

If any provision of this Ordinance is declared unconstitutional, the remaining provisions shall not be affected by the said declaration and shall remain valid.

Section 3. Effectivity- This Ordinance shall take effect on fifteen days upon approval.

RESOLVED, FURTHER, to let certified copies of this ordinance be furnished to the Sangguniang Panlalawigan of Leyte and other offices concerned for their information and appropriate action.

Enacted October 31, 2005

I HEREBY CERTIFY to the correctness of the foregoing ordinance which was duly adopted by the Sangguniang Bayan during its regular session held on October 31, 2005.

AMELITO V. BORNEO

Secretary to the SB

ATTESTED AND CERTIFIED TO BE
DULY ADOPTED:

FLORANTE M. CAYUNDA

Municipal Vice Mayor &
Presiding Officer

APPROVED BY HIS HONOR:

JOSE CARLOS L. CARI

Municipal Mayor

EDGARDO R. ONIPOY
SB Member

JOSEEC. GO
SB Member

DEOGRACIAS E. PERNITEZ
SB Member

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