



Republic of the Philippines
PROVINCE OF LEYTE
City of Baybay
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Office of the Sangguniang Panlungsod

Telexfax No. (+63-53) 335-4808/563-9009 ☒ 2nd Floor, Legislative Bldg., R. Magsaysay Ave., Baybay City Leyte 6521@sangguniangpanlungsod@gmail.com

5th SANGGUNIANG PANLUNGSOD

CITY ORDINANCE NO. 23, SERIES 2020

"AN ORDINANCE REGULATING THE USE OF ROADS, SIDEWALKS, BRIDGES, PARKS AND OTHER PUBLIC PLACES, PROVIDING PENALTIES THEREOF, AND FOR SUCH OTHER PURPOSES"

Authored by:
Hon. Jose Rommel A. Peñaranda

WHEREAS, Section 16 of the Republic Act No. 7160, otherwise known as the Local Government Code of 1991, provides that *"Every local government unit shall exercise the powers expressly granted, those necessarily implied therefrom, as well as powers necessary, appropriate, or incidental for its efficient and effective governance, and those which are essential to the promotion of the general welfare. Within their respective territorial jurisdictions, local government units shall ensure and support, among other things, XXX, promote health and safety, XXX, maintain peace and order, and preserve the comfort and convenience of their inhabitants";*

WHEREAS, Section 17(a) of the same Republic Act further provides that *"XXX local government units shall likewise exercise such other powers and discharge such other functions and responsibilities as are necessary, appropriate, or incidental to efficient and effective provisions of the basic services and facilities XXX.";*

WHEREAS, Section 458 (a)(5)(v) of the same Republic Act provides that the Sangguniang Panlungsod shall have the power to approve ordinances which shall ensure the efficient and effective delivery of the basic services and facilities by *"regulating the use of streets, avenues, alleys, sidewalks, bridges, parks and other public places and approve the construction, improvement repair and maintenance of the same; establish bus and vehicle stops and terminals or regulate the use of the same by privately-owned vehicles which serve the public; regulate garages and the operation of conveyances for hire; designate stands to be occupied by public vehicles when not in use; regulate the putting up of signs, signposts, warnings and warning posts on the streets; and provide for the lighting, cleaning and sprinkling of streets; and public places";*

WHEREAS, DILG Memorandum No. 2020-027 provides that local government units shall clear all roads and streets within their respective jurisdictions from all forms of illegal or unauthorized obstructions;

WHEREFORE, on motion of Honorable Atty. Jose Rommel A. Peñaranda and duly seconded by Honorable Rodolfo S. Palma, Jr. and Honorable Vicente Victor G. Veloso;

BE IT ORDAINED, by the 5th Sangguniang Panlungsod, this city, in its 20th Regular Session assembled on May 21, 2020, as hereby is adopted, to wit:

Section 1. Title. – This Ordinance shall be known as the Road Use Ordinance of 2020.

Section 2. Definition of Terms. – For purposes of this Ordinance, the following terms shall refer to and/or mean as hereunder defined;

- a. Abate - lessen, reduce, or remove persons or things, especially a nuisance.
- b. Bridge – a structure carrying a road, path or railroad across a river, ravine or other obstacle.
- c. Civil works – refers to the breaking, excavation and/or digging activities on public roads, sidewalks and bridges for public works and restoration, telecommunications and waterworks repairs.
- d. Foot path – refers to the sides of the bridge for people to walk along.
- e. Nuisance - a person, thing or circumstance causing inconvenience or annoyance.
- f. Other Activities on Public Roads – refers to fiesta celebration, sports activities, parade, agricultural or trade fairs, and other activities not considered as civil works.
- g. Other Public Places - A public place is an area that is generally open and accessible to people. For purposes of this Ordinance, this shall refer to public squares, beaches, cemeteries, libraries, markets, terminals, sports centers and other government buildings or facilities which are open to the public.
- h. Park - a large public area in a city or town, used for recreation, also known as plaza.
- i. Park (vehicle) – a place to put, leave or settle the motor vehicle for a certain period of time with the intention of staying in the said place other than an emergency.
- j. Road – a wide way leading from one place to another, especially one with a specially prepared surface which vehicles can use. For purposes of this Ordinance, roads shall also refer to streets, avenues, boulevards or highways.
- k. Sidewalk – refers to a paved path for pedestrians at the side of a public road.

Section 3. Purpose – This ordinance shall have the following purposes;

- a. To make all public roads, sidewalks, bridges, parks and other public places free from obstructions.
- b. To be safe and convenient for use by residents, pedestrians and/or motorists.
- c. To improve the flow of traffic and maintain order on roads.
- d. To minimize illegal vendors on streets.
- e. To minimize vandalism, littering and damage to public properties.

Section 4. The use of roads, sidewalks, bridges, parks and other public places shall conform to the hereinafter prohibitions, rules and regulations in order to pursue the purposes for which this Ordinance is intended.

CHAPTER I Public Roads

Section 5. Roads within the territorial jurisdiction of Baybay City shall be classified as national highway, provincial highway, city road and barangay road.

City roads shall refer to (i) all roads, streets or avenues within the *poblacion*, (ii) those that connect to provincial and national highways, and (iii) those that provide inter-barangay connections to major city infrastructure without traversing provincial or national highways.

Barangay roads refer to other public roads within the Barangay.

National and provincial highways pertain to roads declared as such and which are under the control and jurisdiction of the Department of Public Works and Highways (DPWH) or the Provincial Government.

Section 6. All public roads shall be primarily used for vehicle passage. As such, all roads shall be free from any obstructions that would impede the purpose for which it is intended.

Section 7. Road obstructions are structures, materials or activities within the public road right-of-way that impeded the free and clear passage of motor vehicles or pedestrians and/or pose danger or cause injury to motorists, pedestrians, or occupants of nearby structures. These include, but not limited to:

- a. Vehicles parked in prohibited places as specified in Section 46 of Republic Act No. 4136 or the Land Transportation and Traffic Code;
- b. Vehicles parked in places prohibited by other laws or ordinances;
- c. Vehicular terminals except in cases designated by the City;
- d. Vending sites of any kind of item;
- e. House encroachments that obstruct the road right-of-way, protruding gates, conduct of household activities, and tents, except those being temporarily used for funerals and other similar activities;
- f. Store encroachments and indiscriminate signages and advertisements;
- g. Obstructing Barangay outposts, halls, markers and directories;
- h. Unauthorized conduct of sports activities, parades, trade fairs, fiestas, discos and other related activities;
- i. Drying of rice or other crops;
- j. Stockpiling of construction materials including sand, gravel, cement, steel bars, logs, and the like without authority or permission from the City;
- k. Debris, waste materials from persons and pets, garbage and other junked items.
- l. Posts, meters, instrumentation boxes, water pipes and the like installed by utility companies.
- m. Trees that encroached the roads and poses hazards.
- n. Other structures, materials or activities identified by the Oversight Committee as hazards or obstructions.

Section 8. Parking. Parking may be made on public roads not otherwise prohibited by law or ordinance. Every Barangay shall designate a parking area for vehicles coming in and out of their respective Barangay. The City shall also designate a common parking area within City roads. Priority for the designated parking areas are privately owned real properties.