



Office of the Sangguniang Panlungsod

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5TH SANGGUNIANG PANLUNGSOD

CITY ORDINANCE NO. 12, S-2021

"AN ORDINANCE PRESCRIBING SAFETY GUIDELINES IN THE OPERATION OF COASTAL AND BEACH RESORTS, MOUNTAIN RESORTS, RIVER BATHS AND SIMILAR ESTABLISHMENTS AND PLACES, AND PROVIDING PENALTIES THEREOF"

Authored by: Hon. Ramon Ronald J. Veloso

WHEREAS, swimming and bathing is a great recreational activity for people of all ages that provides a low-impact workout, a good way to relax and feel good, and provides an all-over body workout.

WHEREAS, Baybay City as a tourist destination, has a number of coastal and beach resorts, swimming pools, rivers and other similar sites for bathing and swimming;

WHEREAS, information reveals that drowning usually occurs due to less safety measures in these places of swimming and bathing, thereby the need to provide and establish safety protocols in the places of recreation;

WHEREAS, in order to prevent swimming accidents, ensure the safety of pools or beach-going public and to maintain the state of the readiness of the swimming or bathing area, particularly, in times of emergencies, the provision of safety protocols by the owners or operators are indispensable;

WHEREAS, Section 16 of the Local Government Code of 1991 empowers local government units to promote the general welfare of its constituents, hence this ordinance;

NOW THEREFORE, on motion of Honorable Ramon Ronald J. Veloso, and duly seconded by Honorable Mark Michael O. Unlu-cay,

BE IT ORDAINED, BY THE 5TH Sangguniang Panlungsod, that on April 22, 2021, during its 16th Regular Session at the Session Hall, Legislative Building this city, an ordinance is hereby adopted, to wit:

Section 1. TITLE. This ordinance shall be known as, "AN ORDINANCE PRESCRIBING SAFETY GUIDELINES IN THE OPERATION OF COASTAL AND BEACH RESORTS, MOUNTAIN RESORTS, RIVER BATHS AND SIMILAR ESTABLISHMENTS AND PLACES, AND PROVIDING PENALTIES THEREOF".

Section 2. APPLICABILITY. This ordinance shall be applicable on the following:

- Privately owned coastal resorts offering the sea water to the public as a place for swimming

- b. Beach resorts, mountain resorts, hotels and similar establishments with swimming pools offered for public use;
- c. Rivers offered to the public as a bathing place.
- d. Floating cottages.

Section 3. DEFINITION OF TERMS – When used in this ordinance, the following terms shall mean as follows:

- a. Beach – is a narrow, gently sloping strip of land that lies along the edge of an ocean, lake, or river.
- b. Buoy – refers to a floating device used to identify the safe area for swimming extending from the beachfront.
- c. Coastal – also known as the coastline or seashore, is defined as the area where land meets the sea or ocean, or as a line that forms the boundary between the land and the ocean or a lake.
- d. Lifeguard – an expert swimmer employed to rescue people who get into difficulty in a swimming pool or at the beach.
- e. Public Swimming Pool – refers swimming bath, wading pool, paddling pool, or simply pool is a structure designed to hold water to enable swimming or other leisure activities
- f. Resort – a place that is a popular destination for vacations or recreation, or which is frequented for a particular purpose.

Section 3. All persons or entities desiring to engage in the business of coastal resorts, and those offering for public use its swimming pools are required to secure a safety clearance from the Baybay Tourism Investment and Promotion Office (BTIPO) prior to the operation of its coastal resort or swimming pools.

Existing establishment must secure the necessary safety clearance within 60 days from the approval of this ordinance.

Section 5. All rivers in the City being used or to be used as a bathing place shall be required to register with the Baybay Tourism Investment and Promotion Office (BTIPO) by the Barangay where the river is being used.

Section 6. The Baybay Tourism Investment and Promotion Office (BTIPO) shall be the office tasked to implement the provisions of this ordinance in so far as the safety in the use of beaches, swimming pools and rivers within the City of Baybay. The BTIPO shall promulgate rules and regulations in the implementation of this ordinance.

Section 7. All resort owners covered by this ordinance shall provide the services of a sufficient number of lifeguards for its beach and swimming pools duly trained by competent authority, accredited by the BTIPO and certified by the Philippine Coast Guard. There should be one (1) lifeguard for every twenty (20) meters of length of a beach or coast line and one (1) for every regular size swimming pool.

Section 8. For those using the sea water as a swimming place, the coastal or beach resort owners shall be required to place on the sea water adequate number of bouys (approximately 1 for every 10 meters) attached with a safety net which shall be spread within the area whenever there is an abrupt depth of water (kantilado). However, when the beachfront has no abrupt depth of water, adequate number of bouys shall be placed to be determined by the coastal or beach resort owners as safe for swimming purposes.

Section 9. The management or owner of coastal, beach and mountain resorts shall post sufficient and visible danger signage and marker in strategic areas in the pools, resort or at the beach to warn guests/customers of the presence of artificial or natural hazards, danger areas or occurrences threat.

Section 10. Each resort shall also establish its own house rules and regulations, subject to review of the BTIPO, for the safe use of the beach or swimming pools which must be clearly visible to guests.

Section 11. The management of rivers used as bathing places shall be with the Barangay subject to the control and supervision of the BTIPO. The Barangay may impose fees and other appropriate safety measures for the use of its rivers as a bathing place.

Section 12. Floating cottages shall be placed in areas designated by the BTIPO in consultation with the City Agriculture Office and/or the BFAR. Owners of floating cottages shall provide safety measures in the use of its cottages subject to approval by the BTIPO. Moreover, all floating cottages shall be registered with the BTIPO.

Section 13. The BTIPO shall conduct periodic inspection of all coastal and beach resorts, mountain resorts and river baths to monitor if all safety measures are observed by the owners and the Barangay.

Section 14. PENALTY CLAUSE Violation of any of the "safety measures" mentioned in this ordinance shall cause the suspension or cancellation of its business permit, and a fine not more than 1,000.00 pesos.

Section 15. SEPARABILTY CLAUSE If any provision of this Ordinance is held unconstitutional or invalid, the same shall not affect the validity and effectivity of the other provisions hereof.

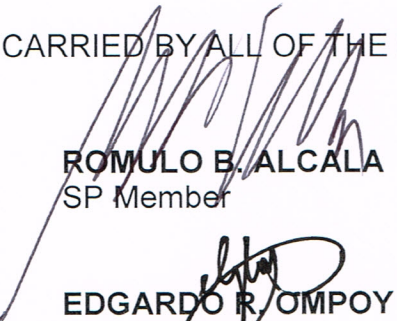
Section 16. REPEALING CLAUSE Pertinent provisions of all other laws, decrees, executive orders and rules and regulations contrary to or inconsistent with the provisions of this Ordinance are hereby repealed or modified accordingly.

Section 17. EFFECTIVITY CLAUSE This Ordinance shall take effect 15 days upon its approval by the Sangguniang Panlalawigan and after due compliance with all the requirements as provided for under R.A. 7160, otherwise known as the Local Government Code of 1991.

Enacted: April 22, 2021.

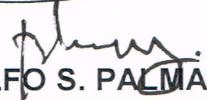
Baybay City, Leyte, Philippines.

CARRIED BY ALL OF THE MEMBERS PRESENT:



ROMULO B. ALCALA
SP Member


EDGARDO R. OMPOY
SP Member


DR. FULTON IKE C. ARRADAZA
SP Member


RODULFO S. PALMA, JR.
SP Member


ARTURO ELISA O. ASTORGA
SP Member



FILEMONT F. AVILA
SP Member

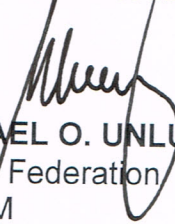

ATTY. JOSE ROMMEL A. PENARANDA
SP Member


JORGE V. REBUCAS
SP Member


RAMON RONALD J. VELOSO
SP Member

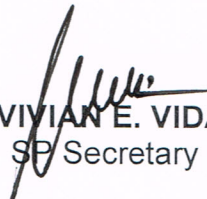

DOMINIC JUNIE P. MURILLO
SP Member


PHILIP L. SIU
President, LIGA Ng Mga Barangay
Ex-Officio SPM



MARK MICHAEL O. UNLU-CAY
SK Chair, City Federation
Ex-Officio SPM

RESOLVED FURTHER, that certified copies of this ORDINANCE be furnished to the City Mayor Honorable Jose Carlos L. Cari, City Administrator Deogracias E. Pernitez; City Legal Officer, Atty. Avito C. Cahig, Jr.; City Budget Officer, Raul Mabini; City Accountant Jay Ryan Austero; OIC - City Treasurer Gina Cabras, CLGOO Juvy C. Pedrera, and to all other offices/agencies/entities concerned for their information, guidance and appropriate action.

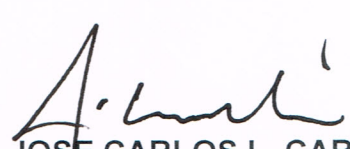
I HEREBY CERTIFY to the correctness of the foregoing Ordinance.


ATTY. VIVIAN E. VIDALLON
SP Secretary

Attested & Certified True & Correct:


ATTY. ERNESTO M. BUTAWAN
City Vice Mayor, Presiding Officer

Approved by His Honor:


ENGR. JOSE CARLOS L. CARI
City Mayor

Date Approved: 4/29/21