

Republic of the Philippines
Province of Davao del Norte
CITY OF TAGUM

BEFORE THE `SANGGUNIANG PANLUNGSOD`

EXCERPT FROM THE MINUTES OF THE 16th REGULAR SESSION OF THE SANGGUNIANG PANLUNGSOD OF TAGUM, PROVINCE OF DAVAO DEL NORTE HELD AT THE SP SESSION HALL ON OCTOBER 18, 2004.

PRESENT:

Hon. ALLAN L. RELLON, MPA,	Vice Mayor (Presiding Officer)
Hon. MARIA LINA F. BAURA,	Member
Hon. AGRIPINO G. COQUILLA, JR.,	Member
Hon. TRISTAN ROYCE R. AALA,	Member
Hon. ROBERT L. SO,	Member
Hon. OSCAR M. BERMUDEZ,	Member
Hon. ROGELIO E. ISRAEL, MPA,	Member
Hon. VICENTE C. ELIOT, SR.,	Member
Hon. JOEDEL T. CAASI,	Member
Hon. ERNESTO Y. OBERO,	Member (ABC Representative)

ON OFFICIAL BUSINESS:

Hon. RAYMOND JOEY D. MILLAN,	Member
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ON SICK LEAVE:

Hon. GETERITO T. GEMENTIZA,	Member
Hon. BRYAN KIM SAMUEL L. ANGOY,	Member (SKF Representative)

CITY ORDINANCE NO. 161, s-2004

“AN ORDINANCE REVISING THE POLICIES AND GUIDELINES IN THE ESTABLISHMENT AND REGULATION OF THE NIGHT MARKET IN THE CITY OF TAGUM.”

BE IT ENACTED by the Sangguniang Panlungsod of Tagum, Davao del Norte in its session assembled:

**ARTICLE 1
TITLE**

SECTION 1. This Ordinance establishing and regulating a Night Market in the City of Tagum shall be called “ **NIGHT MARKET ORDINANCE.**”

**ARTICLE 2
DEFINITION OF TERMS**

SECTION 1. As used in this ordinance, the following terms shall be construed, understood, and shall mean as follows:

- a) **MARKET** – A private or public place, building or structure operated and dedicated to the service of the general public where basic commodities are displayed, offered for sale, and for profit.
- b) **NIGHT MARKET** – A government regulated market conducted at specific time and duration of the night located in government property, portions of designated places or streets in the city of Tagum legally and temporarily close to vehicular traffic to accommodate people indulged in the business of selling goods or offer services to the public for profit, located outside the city public market.

- c) **OCCUPANTS** – Refers to interested person or persons allowed to display and sell goods or offer services after an application has been approved and a definite space has been assigned on a temporary basis and has paid the nightly fee.
- d) **COLLECTOR** – Is the revenue collection clerk who is properly bonded representing the Office of the Economic Enterprises to collect the fees or charges and issue the corresponding receipt or cash tickets.
- e) **CUSTOMER** – Any person buying the goods displayed or patronizing the services of the occupants in the night market of the City of Tagum.
- f) **SECURITY OFFICER** – Is the Civil Security Officer, assigned to maintain peace and order in the market area in coordination with the Philippine National Police or PNP.
- g) **NIGHT MARKET SUPERVISOR** – A personnel assigned by the City Government who shall implement the distribution or awarding of the space to the occupant, insure that fees are collected, sanitation, security, peace and order are maintained, opening and closing time of the night market are observed as well as other related matters.
- h) **DESIGNATED NIGHT MARKET PLACE** – These are officially declared locations which could be government lands, portions of roads or streets legally and temporarily closed to vehicular traffic to accommodate the night market project of the Tagum City government. Location can be expanded, relocated or transferred by the local government as the need arises.

ARTICLE 3 LOCATION OF THE NIGHT MARKET

SECTION 1. While the City Government could designate and declare legally portions of open spaces or roads for the purpose of the Tagum City Night Market, however, the initial site is the roads from crossing Bonifacio-Quezon streets connecting to corner Bonifacio-Roxas streets and from corner Bonifacio-Roxas streets connecting to corner Roxas-Pioneer Avenue and from Roxas-Osmeña streets connecting to corner Osmeña-Quezon streets and the open spaces inside the quadrangle of Tagum Cultural and Trade Center, this city.

ARTICLE 4 CLOSURE OF ROADS

SECTION 1. Pursuant to Local Government Code of 1991, Chapter 1- The Code: Policy and Application, Section 21-letter (d) states that, Any city, municipality, or barangay may, by a duly enacted ordinance, temporarily close and regulate the use of any local street, road, thoroughfare, or any other public place where shopping malls, Sunday, flea or NIGHT MARKETS, or shopping areas may be established and where goods, merchandise, foodstuffs, commodities, or articles of commerce may be sold and dispensed to the general public;

SECTION 2. That the following streets shall be CLOSED from 6:00 P.M. to 2:00 A.M. to be utilized as spaces for the night market:

- a) From corner BONIFACIO-QUEZON STREETS connecting to corner BONIFACIO-ROXAS STREETS
- b) From corner BONIFACIO-ROXAS STREETS connecting to corner ROXAS-PIONEER AVENUE
- c) From corner ROXAS-OSMEÑA STREETS connecting to corner OSMEÑA-QUEZON STREETS.

SECTION 3. That the following streets shall be utilized only for EXIT purposes, thus all vehicles shall not be allowed to ENTER from 6:00 P.M to 2:00 A.M.:

- a) Corner BONIFACIO-RIZAL STREETS
- b) Corner QUEZON-ABAD SANTOS STREETS
- c) Corner PIONEER-ROXAS STREETS

SECTION 4. That a ONE-WAY TRAFFIC shall be imposed on the following streets from 6:00 P.M. to 2:00 A.M.:

- a) SOBRECARY-QUEZON STREETS
- b) RIZAL-OSMEÑA STREETS

SECTION 5. That all vehicles shall not be allowed to turn RIGHT from 6:00 P.M. to 2:00 A.M. on QUEZON-OSMEÑA STREETS.

SECTION 6. That all vehicles shall not be allowed to turn LEFT from 6:00 P.M. to 2:00 A.M. on OSMEÑA-QUEZON STREETS.

ARTICLE 5

INSTALLATION OF STRUCTURES, PARAPHERNALIA, DISPLAY OF GOODS AND ITS REMOVAL

SECTION 1. Occupants must occupy and install their structures, paraphernalia in the designated area.

SECTION 2. Kind of Materials - Only light structures and materials which could be easily folded, lifted and removed should be installed since the stay of the occupants is limited and temporary. The city government if deemed necessary shall provide the design of the collapsible structure and shall regulate the same to observe safety and aesthetics.

SECTION 3. Removal - All structures, materials, paraphernalia and goods displayed must be removed and cleared completely on or before closing time.

SECTION 4. No structures, paraphernalia, and goods of any part shall be displayed before opening time.

SECTION 5. No structures, paraphernalia and goods of any part shall be left within the allowed market site and/or along any streets, road-right-of-ways and to any government sites.

ARTICLE 6

DESIGNATED TIME AND DURATION OF THE NIGHT MARKET

SECTION 1. Opening shall start at 6:00 o'clock in the evening.

SECTION 2. Closing time shall be at exactly 2:00 o'clock the following morning.

SECTION 3. Night Market shall be for a duration of 8 hours.

ARTICLE 7

HOW TO AVAIL SPACE IN THE NIGHT MARKET

SECTION 1. An application in the Office of the Economic Enterprises must be filed and approved to get a Night Market Permit.

SECTION 2. The following documents shall be presented by the applicant:

- a) Community Tax
- b) Health Clearance
- c) Barangay Clearance
- d) Police Clearance
- e) Voter's Affidavit (photocopy duly certified by the COMELEC)

SECTION 3. Applicants with approved Night Market Permit shall get a location assignment from Night Market Supervisor.

ARTICLE 8 WHO ARE DISQUALIFIED TO OCCUPY IN THE NIGHT MARKET

SECTION 1. Any violation of the provisions of this ordinance shall be a ground for disqualification.

ARTICLE 9 SANITATION

SECTION 1. Occupants are responsible for the sanitation of their premises.

SECTION 2. Occupants are obliged to place their solid waste in disposable container properly kept at the side of the gutter of the road, its top opening tied or sealed to avoid scattering or spillage for convenient collection by garbage trucks.

SECTION 3. Occupants must maintain dryness of the area to avoid being filthy looking.

SECTION 4. Liquid waste must be placed in a container and disposed in the drainage canals.

SECTION 5. No solid waste shall be discharged to the drainage canals.

ARTICLE 10 GOODS AND SERVICES NOT ALLOWED IN THE NIGHT MARKET

SECTION 1. Livestocks, heavy and bulky hardwares, lumber, pungent and odorous goods.

SECTION 2. Services that emit loud noise and require heavy electrical load rated more than 500 watts.

ARTICLE 11 PEACE AND ORDER

SECTION 1. While it is understood that occupants are to avoid unruly behavior, however, the City Government shall assign Civil Security Officer to the night market area to maintain peace and order. Assistance of Police Officer shall be called whenever necessary.

SECTION 2. In case of emergency or fire conflagration near the vicinity of the night market area, occupants must be alert and speedily evacuate their structures and valuables to clear the road for the passage of the fire fighting units and firemen. It shall be the duty of the night market supervisors to inform the occupants of such precautions.

**ARTICLE 12
FEES AND CHARGES**

SECTION 1. The fees to be imposed a minimal amount of TEN PESOS (Php 10.00) per square meter actually occupied. Any fraction thereof shall be charged the same amount.

SECTION 2. The fee must be paid nightly and before closing time of the night market. No credit is allowed to avoid accumulation of accounts.

SECTION 3. Payments must be issued with corresponding accountable official receipts.

SECTION 4. An annual Night Market fee of Php150.00 shall be imposed.

SECTION 5. The space assigned to the occupants must be paid nightly by occupants with business only.

**ARTICLE 13
LIMIT OF AREA TO BE OCCUPIED**

SECTION 1. A maximum of twelve (12) square meters only per occupant.

**ARTICLE 14
LIGHTING FACILITIES**

SECTION 1. All Electrical lines shall be shouldered by the city government provided it shall conform to the National Building Code, Philippine Electrical Code, and other applicable laws.

SECTION 2. All occupants shall abide with the following schedule of electric charges; lighting fixtures and small appliances to be classified as follows:

a) 101 – 500 watts	-	P 50.00
b) 100 watts	-	10.00
c) 80 watts	-	8.00
d) 60 watts	-	6.00
e) 50 watts	-	5.00
f) 40 watts	-	4.00
g) 36 watts	-	3.60
h) 21 watts	-	2.10
i) 20 watts	-	2.00
j) 18 watts	-	1.80
k) 12 watts	-	1.20
l) 10 watts	-	1.00
m) 8 watts	-	.80
n) 5 watts	-	.50

**ARTICLE 15
SECTION IN THE NIGHT MARKET**

SECTION 1. For the purpose of order and aesthetics, the night market shall be arranged in section as follows:

- a) Dry Goods
 - a.1. Clothes and Clothings
 - a.2. Footwares
 - a.3. Kitchenwares
 - a.4. Groceries
 - a.5. Sari-sari

- b) Food and Drinks
 - b.1. Turo-turo Food
 - b.2. Barbecue Stands
 - b.3. Softdrinks
 - b.4. Breads,Biscuits and Homemade Food Products
 - b.5. Balot
- c) Cafeteria and Carenderia
- d) Services
 - d.1. Beauty Saloons
 - d.2. Tool Sharpener
 - d.3. Shoe Shine
- e) Gift Item Sections
- f) Plant and Flowers
- g) Appliance sections
- h) Furniture
- i) Cereal Sections

**ARTICLE 16
WEARING OF IDENTIFICATION CARD**

SECTION 1. Owners/Occupants, salesboys, or salesgirls, helpers and other personnel hired or working with the occupants, must wear an identification card duly issued by the City Government of Tagum.

SECTION 2. Size of identification card shall be 4x5 inches with the necessary data including picture and name of the bearer clearly legible.

**ARTICLE 17
SUBLEASING**

SECTION 1. Subleasing is not allowed.

**ARTICLE 18
PENAL CLAUSE**

SECTION 1. Violation of this ordinance shall be imposed penalties as follows:

- a) Occupants operating without an approved application shall be imposed a fine of Php 200.00 and closure.
- b) Non-payment of fees shall subject the occupants to closure of the operation until such time that payment due is fully paid.
- c) Non-operation of the occupant for three (3) consecutive nights shall be ground for the revocation of occupant's Night Market Permit.
- d) Violation of Sanitary Laws:

First Offense	:	Warning from the apprehending Officer
Second Offense	:	Fine of P 250-300
Third Offense	:	Fine of P500-1,000
Succeeding Offenses:	:	Closure of Operation
- e) A fine of P50.00 per day individually shall be imposed for non-wearing of identification card.

**ARTICLE 19
REPEALING CLAUSE**

SECTION 1. That City Ordinance No. 17, s-1998 and City Ordinance No. 32, s-1999, are hereby repealed or modified accordingly.

**ARTICLE 20
SEPARABILITY CLAUSE**

SECTION 1. Should any of the provisions of this ordinance be declared unconstitutional or illegal it shall not affect the entire ordinance.

**ARTICLE 21
EFFECTIVITY CLAUSE**

SECTION 1. That this Ordinance shall take effect immediately upon approval.

CARRIED AND APPROVED.

ENACTED AND PASSED this 18th day of October, 2004.

I HEREBY CERTIFY to the correctness of the foregoing.

(Sgd) **REY A. BUHION**
Secretary to the Sanggunian

ATTESTED:

(Sgd) **ALLAN L. RELLON, MPA**
City Vice Mayor
(Presiding Officer)

APPROVED:

(Sgd) **REY T. UY**
City Mayor