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Res. No. 580

2012

Republic of the Philippines
SANGGUNIANG PANLALAWIGAN
PROVINCE OF NEGROS ORIENTAL

EXCERPTS FROM THE JOURNAL OF THE SANGGUNIANG PANLALAWIGAN SESSION ON:

Date: July 31, 2012 - 3:25 P.M.

Classification: Regular Session

RECORD OF ATTENDANCE:

HON. APOLINARIO P. ARNAIZ, JR.
Vice Governor & Presiding Officer
Present

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|-----------------------------|-----------|------------------------------------|-----------|
| HON. MELLIEMOORE M. SAYCON | - Present | HON. RODRIGO A. ALAÑANO | - Present |
| HON. LILAND B. ESTACION | - Present | HON. MIGUEL ANGEL D. TEVES | - Present |
| HON. PEVE O. LIGAN | - Present | HON. FRITZIE DARYL L. ZANORIA | - Absent |
| HON. EDMUND F. DY | - Present | HON. ERWIN MICHAEL L. MACIAS (PCL) | - Present |
| HON. SALETO J. ERAMES | - Present | HON. SCOTT WAYNE T. HUSAIN (SK) | - Present |
| HON. JESSICA JANE V. KOPPIN | - Present | HON. ARNOLFO A. TEVES, JR. (LNMB) | - Absent |
| HON. GEORGITA F. MARTINEZ | - Present | | |

RESOLUTION NO. 580

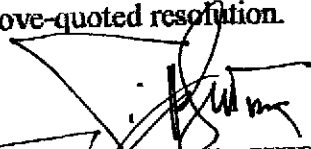
"Submitted for review before the August Body was Resolution No. 308, current series, of the Sangguniang Panlungsod of Bayawan, this province, enacting Ordinance No. 7, otherwise known as the Shoreline Zoning Ordinance of 2012;


"On motion of Honorable Member Peve O. Ligan, seconded by Honorable Member Jessica Jane V. Koppin, the Sangguniang Panlalawigan

"RESOLVES, To return Resolution No. 308, current series, of the Sangguniang Panlungsod of Bayawan, this province, for compliance, inviting attention to the comment of the Chief, Environment and Natural Resources Division, Governor's Office, embodied in her 4th Indorsement dated July 17, 2012. Resubmission hereof is recommended to facilitate further Sangguniang Panlalawigan action.

"Approved."

I hereby certify to the correctness of the above-quoted resolution.


GEOFFREY B. VILLAHERMOSA
Provincial Secretary


APOLINARIO P. ARNAIZ, JR.
Vice Governor of Negros Oriental
Presiding Officer

Copy For:
The Sangguniang Panlungsod
Bayawan City

ADL/rcs

Republic of the Philippines
PROVINCE OF NEGROS ORIENTAL
City of Bayawan
Office of the Sangguniang Panlungsod

EXCERPT FROM THE MINUTES OF THE REGULAR SESSION HELD BY THE CITY COUNCIL OF BAYAWAN, NEGROS ORIENTAL ON APRIL 10, 2012 AT 2 O'CLOCK PM AT THE SP SESSION HALL.

RECORD OF ATTENDANCE

Hon. Ismael P. Martinez		Present
Hon. Victoriano D. Alabastro		OB - Manila
Hon. Ernesto T. Tijing		Present
Hon. Mark Anthony A. Duque		Present
Hon. Francis Floyd B. Araula		Present
Hon. Peter Paul F. Renacia		Present
Hon. Alex D. Tizon		Present
Hon. Danilo G. Lamis		Present
Hon. Mark Fidencio L. Aurelia		Present
Hon. Sharlou F. Jamin		Present
Hon. Luis J. Sumalpong		Present
Hon. Jonas M. Trias	(ABC Vice President)	OB - Maninijon
Hon. Alsheiba M. Tanasan	(SK Fed. Pres.)	Present

RESOLUTION NO. 308

“WHEREAS, Bayawan City coastal road, also known as the City Boulevard, is one of the country’s longest boulevard;

“WHEREAS, the city coastal road and its adjoining beach is an important tourist attraction of the city;

“WHEREAS, to address conflicting interests in the use of this area, a shoreline zoning plan was formulated covering Barangays Villareal, Tinago, Boyco and Suba;

“WHEREAS, the overall goal of the plan is the coordinated development of the city’s shoreline in order to protect the integrity of the environment, as well as enhance its potential as an eco-tourism park;

“WHEREAS, the shoreline zoning plan was formulated after consultations with various stakeholders;

“NOW THEREFORE, on motion of Honorable Councilor Aurelia and duly seconded by Honorable Councilor Sumalpong, the Council

“RESOLVED, as it hereby resolves to adopt the following ordinance, thus,

ORDINANCE NO. 7

AN ORDINANCE ADOPTING A SHORELINE ZONING PLAN FOR BARANGAYS VILLAREAL, TINAGO, BOYCO AND SUBA OF BAYAWAN CITY

Be it ordained that:

SECTION I. Title of Ordinance.

This Ordinance shall be called the “Shoreline Zoning Ordinance of 2011”

SECTION II. Rationale of the Shoreline Zoning Plan.

The shoreline-zoning plan aims to:

Address conflicting interests among resource users through the delineation of zones for specific uses.

Identify the allowed and prohibited activities for each zone.

Provide public access for recreation and wellness activities.

Ensure the protection and preservation of marine habitats.

Prevent erosion of the beach.

SECTION III. Coverage.

This ordinance shall cover the shoreline area from the lowest watermark inwards towards the edge of the coastal road within Barangays Villareal, Tinago, Boyco and Suba.

SECTION IV. Definition of Terms:

1. Agricultural products – any produce derived from the garden or farm of a farmer, limited to leafy vegetables, root crops, legumes, rice, corn, flowers and related harvest.
2. Erosion – the process by which the earth is worn away.
3. Footpath - walkways extending from the sea to the road which should be meandering to prevent erosion and should not be wider than 1.5 meters.
4. Marine products - include all fishes from fresh and seawaters and all other products of aquatic living resources of any form such as crustaceans (crabs, prawns, shrimps and lobsters), molluscs (clams, mussels, oysters, snails, and other shell fish).
5. Pollutant - substances that are toxic, harmful and corrosive or irritants. Examples include oil, paint, fuels, detergents, solvents, etc.
6. Safety Hazard – a potential source of danger that may present risk or injury to people.
7. Shoreline – the part of the seashore between the low-water line at the seaward margin of a low tide to the upper limit of a wave wash at high tide marked by the beach.
8. Vegetation – all plants considered collectively.
9. Watermark - the low water line at the seaward margin of a low tide.
10. Zone – an area of land having a particular purpose, or use, subject to restrictions.

Handwritten signature and initials

SECTION V. Description and Use of the Zones. The following are the zones, the specific uses and location:

Zone #	Coordinates		Lamp Post #	# of Lamp Posts	Estimated length (m)	Specific use	Location	Barangay
	Latitude	Longitude						
1	122°47.72E to 122°47.94E	9°21.76N 9°21.71N	01-27	27	405		Extends from Zamora to Mabini Street	Brgy. Suba
2	122°47.94E to 122°47.96E	9°21.71N 9°21.71N	27-30	3	45		Between Mabini and Bollos Streets	Brgy. Boyco
3	122°47.96E to 122°48.21E	9°21.71N 9°21.67N	30-61	31	465		Extends from Bollos, Magsaysay, Recto, Gamo until T. Diaio Street	Brgys. Boyco and Tinago
4	122°48.21E to 122°48.37E	9°21.67N 9°21.64N	61-74	13	195		Diydock and Repair Area T. Diaio Street	Brgy. Tinago

5	122°48.37E 9°21.64 N to 122°48.32E 9°21.65 N	74-81	7	105	Alterations to existing infrastructure	Close to the Access road	Brgy. Tinago
6	122°48.32E 9°21.65 N to 122°48.48E 9°21.61 N	81-94	13	195		Extends from Access Road to Subdivision Road	Brgy. Villareal
7	122°48.48E 9°21.61 N to 122°48.59E 9°21.56 N	94- 105	11	165		Between Subdivision Road 1 and 2	Brgy. Villareal
8	122°48.59E 9°21.56 N to 122°48.81E 9°21.42 N	105- 121	16	240		Extends from Subdivision Road 2 to the GK Housing Project	Brgy. Villareal
9	122°48.81E 9°21.42 N to 122°48.72E 9°21.49 N	121- 135	14	210		In front of GK Housing Project	Brgy. Villareal
10	122°48.72E 9°21.49 N to 122.49.02E 9°21.28 N	135- 100m	7	100	Damaged Repair Area	After GK Housing Project	Brgy. Villareal

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SECTION VI. Allowed and Prohibited Activities in the Shoreline Zones. Any activity within the Shoreline Zones shall conform to the following:

A. PROHIBITED ACTIVITIES. The following activities shall be prohibited within the Shoreline Zones:

1. Waste Disposal
 - 1.1 Littering or dumping of any waste or pollutant.
 - 1.2 Burning of trash.
 - 1.3 To bury or put into the ground or discharge to the waters any pollutant that by itself or in combination with any substance or material will affect the environmental integrity of the shoreline.
 - 1.4 Disposal of waste in violation of the provisions of Ordinance No. 63 Series of 2005 (An Ordinance Providing for an Ecological Solid Waste Management, Establishing the Necessary Organizational Structure, Declaring Certain Acts Prohibited, Providing Penalties, and Appropriating Funds Therefore and other Purposes).
2. Construction of Structures
 - 2.1 Building of structures within three (3) meters from the shoreline as provided for by Article 51 of Presidential Decree No. 1067 (Water Code of the Philippines).
3. Clearing of Vegetation for Development
 - 3.1 Cutting of trees except to remove safety hazards. The cutting/clearing shall be done under the supervision of the City Environment and Natural Resources Office (CENRO). Selective cutting may be permitted provided it is done with supervision by CENRO.
 - 3.2 Removal of vegetation that provides ground cover except for a footpath.
4. Quarrying.
 - 4.1 Mineral extraction and exploration, taking of sand, gravel and soil within the twenty (20) meter area from the shoreline.
5. Fishing-Related Activities
 - 5.1 Mooring and repair of municipal and commercial fishing vessels outside the designated zones.
 - 5.2 Drying of marine products, except within the Environmental Monitoring Area. *This is only allowed during the months of January to June.*
 - 5.3 Selling of marine products outside the Flea Market area.
6. Parking
 - 6.1 Parking of vehicles shall conform to the provisions of Ordinance No. 23 Series of 2008 (An Ordinance Regulating Traffic Along the Bayawan Boulevard, Bayawan City, Negros Oriental and Providing Penalties for Violation).
7. Pasturing of Animals
 - 7.1 Pasturing of animals.
8. Videoke/karaoke operations
 - 8.1 Commercial videoke/karaoke operations.

B. ALLOWED ACTIVITIES. The following activities shall be allowed within the Shoreline Zones:

1. Picnic, Sports and Recreation Area

1.1 Family and/or group picnics.

1.2 All sports and recreational activities, including concerts provided that the environmental and physical integrity of the area is not affected. The holding of sports tournaments, concerts and other activities by private groups, which will require the use of the area for more than three (3) days, shall require a permit from the Office of the City Mayor. *Any of the said activities which will be for charitable purposes may not be charged any fee but the organizers shall coordinate with the Office of the City Mayor.*

1.3 Leasing to private individuals of LGU built kiosks/cottages.

1.4 Overnight camping as long as it is coordinated and recorded at the City Mayor's Office.

1.5 The use of videoke/karaoke in family gatherings, reunions and similar non-commercial operation within the area.

2. Dry-dock and Repair Area

2.1 Mooring of fishing vessels including repair such as but not limited to painting, oil change and other maintenance activities.

2.2 Impounding of apprehended fishing vessels.

3. Food Catering Services Area

3.1 Selling of food but only from 5:00 p.m. to 3:00 a.m.

3.2 Leasing to private individuals of LGU built kiosks.

4. Alternate Loading and Unloading Area for Fish Products

4.1 Unloading of marine products by municipal and commercial fishing vessels and packing for transport.

5. Flea Market

5.1 Selling of agriculture and marine products and all other activities within this zone subject to the provision of Ordinance No. 27 Series of 2009 (An Ordinance Transferring the Venue of the Paonay from Junctions of R.T. Diao, Pepeng Gamo, and Telesforo Diao Streets to the Bayawan Boulevard Coastal Area and Regulating the Conduct of its Activities)

6. Environmental Monitoring Area

6.1 Environmental protection activities such as planting of trees or mangrove species coordinated with the Fishery Section of the City Agriculture Office.

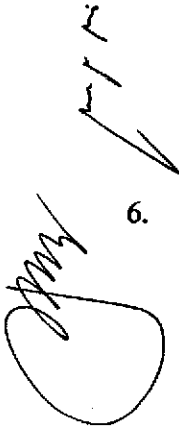
6.2 Drying of marine products for personal consumption.

SECTION VII. Penalties

Any act that falls among the prohibited acts or that shall contravene the allowable acts shall be penalized as follows:

First Offense --- Warning

Second Offense --- ₱500.00



Third Offense — ₱1,000.00

Any succeeding act shall be penalized with a fine of ₱ 2,000.00 and/or imprisonment of one (1) year, at the discretion of the Court. For purposes of determining the frequency of violations, the previous act may need not be the same as the succeeding one provided both acts are among the prohibited acts or in contravention to the allowable acts.

SECTION VIII. Enforcement

A special Task Force composed of personnel from Fishery Section of the City Agriculture Office, City Environment and Natural Resources Office, City Public Safety Office and Philippine National Police shall be organized to enforce the provisions of this ordinance. The Task Force shall be headed by the PNP.

SECTION IX. Separability Clause. If any provision of this Ordinance is declared unconstitutional or illegal by a competent court, the same shall not affect the validity and effectivity of the other provisions.

SECTION X. Effectivity. This Ordinance shall take effect after compliance with the provisions of the Local Government Code of 1991.

“Enacted.”

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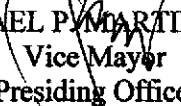
I hereby certify to the correctness of the foregoing resolution.

* * *


JULIUS T. ESPARTERO
Secretary to the Sangguniang Panlungsod

ATTESTED:

APPROVED: **MAY 21 2012**


ISMAEL P. MARTINEZ
Vice Mayor
Presiding Officer


RENE G. GAUDIEL
City Mayor

Copy For:

- The Honorable Provincial Board, Dumaguete City