



Republic of the Philippines
City of San Carlos
Negros Occidental

OFFICE OF THE SANGGUNIANG PANGLUNGSOD

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EXCERPTS FROM THE MINUTES OF THE REGULAR SESSION OF THE SANGGUNIANG PANLUNGSOD HELD ON THE 24th DAY OF JULY, 2014 AT 10:00 A.M. AT THE SP SESSION HALL

PRESENT:

Hon. EDGARDO B. QUISUMBING,	City Vice Mayor/Presiding Officer
“ ROMMEL T. DEBULGADO,	SP Member
“ CHRISTOPHER PAUL S. CARMONA,	SP Member
“ VICTORIANA C. CABILI,	SP Member
“ HERNAN V. ANTONIO,	SP Member
“ EDDIE L. APUHIN,	SP Member
“ FLEUR DE LIS V. MASCUÑANA	SP Member
“ EMMANUEL J. BAGUIORO,	SP Member
“ CLINT S. MANSUETO	SP Member
“ JONIE S. UY,	SP Member
“ HELEN P. GEOPANO *	SP Member (ABC President)

* Came late

ABSENT:

Hon. DICKSON N. YU, SP Member (on official business)

ORDINANCE No. 14-36

AN ORDINANCE REGULATING THE OPERATION OF VIDEO KARAOKE, SING ALONG, JUKE BOX, SOUND SYSTEM AND THE LIKE, IN COMMERCIAL AND RESIDENTIAL AREAS WITHIN SAN CARLOS CITY AND PROVIDING PENALTIES THEREOF AND FOR OTHER PURPOSES

Introduced by: Hons. DEBULGADO, ANTONIO, CARMONA, MASCUÑANA, MANSUETO and UY

Be it ordained by the Sangguniang Panlungsod of the City of San Carlos, Negros Occidental, in regular session assembled, that:

SECTION 1. Short title. - This Ordinance shall otherwise be known as, the “ SAN CARLOS CITY SOUND AND NOISE REGULATORY ORDINANCE OF 2014”.

SECTION 2. Definition of Terms – For the purpose of this ordinance, the following terms are defined as follows:

- a) **BPLO** – refers to the Business Permit and Licensing Office , under the Office of the City Mayor of San Carlos City, Negros Occidental, whose duties include inspection of business establishments, issuance and revocation of business permits and licenses
- b) **CEMO** – refers to the City Environment Management Office, created by virtue of SP Ordinance No. 13-01, whose main function is to enforce/implement national laws and local ordinances, regulating the emission/ discharge of harmful substances to the atmosphere and water systems, solid waste management policies and directives and recommend for the apprehension of violators and abatement of the pollution
- c) **LET** – refers to the Law Enforcement Team, created by virtue of Executive Order No. 34, Series of 2013, which forefronts the implementation of laws and ordinances, enacted by the Sangguniang Panlungsod

- d) **DECIBELS (dB)** – measurement used to determine the levels of sound intensity, as measured in watt per centimeter.
- e) **DECIBEL MEASUREMENTS** – refer to the following decibels, as measured at a distance of one (1) meter from the origin, as maybe observed by an average and ordinary person with normal hearing capacity:
 - 140-130 – threshold of pain that the ear can endure due to sound intensity
 - 120 – where pain begins (sound of a shotgun)
 - 110 – power saw
 - 100-90 – comparable to sound coming from subway train
 - 85 – maximum volume of a telephone tone.
 - 80-70 – comparable to irritating busy traffic noise
 - 60 – normal conversation
 - 50 – average home noise
 - 40 – comparable to whispering
- f) **JUKE BOX** – an electronic device or appliance usually found in establishment, serving food and beverages where customers select songs for fee.
- g) **KARAOKE** – A form of recreation that makes use of electronic appliance that provides musical accompaniment and amplification of the singer’s voice such as, sing-along devices.
- g) **VIDEO SYSTEM** – refers to video karaoke, juke box, sing-a-long and minus one and other karaoke devices.
- h) **SOUND SYSTEM** – refers to electronic device or equipment that produces music, speech, vibrations or something audible or can be heard by human ear.
- i) **SPL (Sound Pressure Level) Meter**– refers to a professional-grade sound level meter, also known as a decibel or db meter, that measures the intensity of sound.

SECTION 3. Scope. This ordinance shall govern all commercial and residential establishments and open commercial blocks/spaces, which are engaged in the operation of video and sound systems, video karaoke bars, sing-a-long/juke box establishments, stereo phonos and the like. However, this shall exclude those establishments enclosed in rooms, surrounded with walls and with sound proof, that will generate the allowable sound volume stipulated herein and P.D. 856, otherwise known as, the Sanitation Code of the Philippines, thereby producing tolerable sounds or vibrations on adjacent establishments or homes.

SECTION 4. Rules and Regulations –

1. The division of the 24-hour period shall be as follows, in accordance with Chapter XIX, 8.7.4 (b) of the Implementing Rules and Regulations (IRR) of P.D. 856, otherwise known as the Sanitation Code of the Philippines:
 - a) Morning - 5:00 A.M. to 9:00 A.M.
 - b) Daytime - 9:00 A.M. to 6:00 P.M.
 - c) Evening - 6:00 P.M. to 10:00 P.M.
 - d) Nighttime - 10:00 P.M. to 5:00 A.M.
2. In consonance with Section 8.7.4 of IRR of P.D. 856, the maximum allowable noise levels (decibels – dB), 5-meter radius from the point of origin, shall be as follows:

	Daytime (9 A.M.-6 P.M.)	Morning (5 A.M.-9 A.M) and Evening (6 P.M.-10 P.M.)	Night time (10 P.M.-5 A.M.)
School sites, nursery schools, hospitals, churches, government offices	50 dB	45 dB	40 dB
Commercial Areas	65 dB	60 dB	55 dB
Residential Areas	55 dB	50 dB	45 dB

3. In most cases, operation of video-karaoke should be discouraged in residential areas, except on special occasions such as birthdays, weddings, anniversaries and the like, on which the owner shall observe the maximum allowable noise levels of decibels, explicitly stipulated in No. 2 of Section 4, hereof.

SECTION 5. Administrative Provisions:

- a.) The PNP, CEMO and/or Law Enforcement Team (LET) shall be the primary agencies to implement the compliance of the provisions of this city ordinance.
- b.) A special permit may be requested to operate, such video and sound devices and the like, for particular special activities and occasions, such as *barangays, sitios, puroks* and streets fiestas, school reunions, Christmas day and New Year celebrations and similar wholesome activities, upon payment of the corresponding fee, at the City Treasurer's Office. Provided, however, the allowable decibel noise level stipulated in No. 2 of Section 4 hereof, shall be strictly followed.
- c.) Whenever a noise is emitted from any commercial or residential and other premises, which serves as a public nuisance, public disturbance or noise pollution and is the subject of complaint of the resident/s within the area, a complaint can be filed to the Police Station, CEMO or LET, either by phone call/mobile message or in writing .
- d.) After receipt of the complaint, any police officer or representative from PNP or any authorized personnel of the CEMO or LET shall investigate the veracity of the complaint. If found to have been, indeed a public nuisance, or has caused noise pollution or public disturbance, the investigating Police Officer, or CEMO/LET Personnel, shall notify the concerned owner to abate such nuisance.
- e.) All impounded devices shall be kept at the Office of the PNP, this city.
- f.) Revocation of business permits shall be approved by the City Mayor, through the recommendation of any of the implementing agencies, such as the PNP, CEMO, LET or BPLO.

SECTION 6. Fees:

- a.) A Mayor's permit fee of ONE THOUSAND, FIVE HUNDRED PESOS (P 1,500.00) shall be collected from transient sound systems and live bands, assisting or operating within the city during special occasions, or activities sponsored by the City Government of San Carlos, or by a private individual.
- b.) An annual Permit Fee of THREE HUNDRED PESOS (P 300.00) and an additional Registration Fee of SEVENTY FIVE PESOS (P 75.00), for each machine or apparatus for visual entertainment, shall be collected. Business Tax shall likewise be collected, in accordance with City Ordinance No. 10-26, otherwise known as, "The Revenue Code of the City of San Carlos."

SECTION 7. Fines: – Any business owner, operator or household owner who violates any provision of this ordinance shall be subject to the following penalties:

- a.) Commercial:

1 st Offense	–	Fine of P1,000.00 and reduction of decibel
2 nd Offense	–	Fine of P3,000.00 and suspension of its license or permit to operate such device for 30 days
3 rd Offense	–	Fine of P5,000.00 and revocation of license to operate and impounding of such device
- b.) Residential:

1 st Offense	–	Fine of P1,000.00 and reduction of decibel
2 nd Offense	–	Fine of P3,000.00
3 rd Offense	–	Fine of P5,000.00 and impounding of such device

SECTION 8. Separability Clause – If any provision of this Ordinance or the application of such provision to any person or circumstances is declared invalid, the remainder of the Ordinance, or the application of such provision to other persons or circumstances, shall not be affected by such declaration.

SECTION 9. Repealing Clause – All ordinances, executive orders, rules and regulations or parts thereof which are inconsistent with this Ordinance are hereby repealed or modified accordingly.

SECTION 10. Effectivity – This ordinance shall take effect after its publication in a newspaper of general circulation and after copies of this ordinance shall have been posted for ten (10) days in the bulletin board, at the entrance of the City Hall Building and in at least two (2) conspicuous places in the local government unit, not later than five (5) days after approval hereof.

ENACTED: July 24, 2014, by the affirmative votes of Hons. DEBULGADO, CARMONA, CABILI, ANTONIO, APUHIN, MASCUÑANA, BAGUIORO, MANSUETO, UY and GEOPANO. Negative: none.

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I HEREBY CERTIFY to the correctness of the foregoing ordinance which was duly enacted by the Sangguniang Panlungsod during its regular session held at the SP Session Hall on July 24, 2014.

(SGD.) **JUNE M. VILLARANTE**
Secretary to the Sanggunian

**ATTESTED AND CERTIFIED
TO BE DULY ENACTED:**

(SGD.) **EDGARDO B. QUISUMBING, M.D.**
City Vice Mayor/Presiding Officer

APPROVED BY THE CITY MAYOR on August 11, 2014.

(SGD.) **GERARDO P. VALMAYOR, JR.**
City Mayor

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