



REPUBLIC OF THE PHILIPPINES
PROVINCE OF ZAMBALES
SANGGUNIANG BAYAN OF SAN MARCELINO

RESOLUTION
No. 2011-133

EXCERPT FROM THE JOURNAL OF THE REGULAR SESSION OF THE SANGGUNIANG BAYAN, MUNICIPALITY OF SAN MARCELINO, PROVINCE OF ZAMBALES, HELD AT THE SANGGUNIANG BAYAN SESSION HALL ON NOVEMBER 28, 2011

Present:

Hon. Irene D. Cantas	Presiding Officer
Hon. Geraldo D. Dalupang	Member
Hon. George H. Manangan	Member
Hon. Cecilia F. Rodriguez	Member
Hon. Daniel L. Fabunan	Member
Hon. Memoracion A. Alejandro	Member
Hon. Marlon Omar C. Ravelo	Member
Hon. Alex R. Mauricio	Member

EX-OFFICIO MEMBERS:

Hon. Rizalino F. Ragadio, LIGA President

Absent:

Hon. Jan Maru C. Cabbab, On Official Business

MUNICIPAL ORDINANCE NO. 2011-104

AN ORDINANCE REGULATING THE OPERATION AND MAINTENANCE OF PUBLIC PLAZA FOOD STALLS

Introduced By: Hon. Geraldo D. Dalupang

Sponsors: Sangguniang Bayan Members

PREFATORY NOTE:

The relocation of Govic stalls in front of the municipal building along the national highway is imperative to pave the way for the long-clamored aesthetic development of the municipal plaza and the construction of other public structures.

Be it ordained by the Sangguniang Bayan, Municipality of San Marcelino, Province of Zambales:

Section 1. TITLE. This ordinance shall be known as "Public Plaza Foodstall Ordinance."

Section 2. COVERAGE. This ordinance shall govern the operation and maintenance of public plaza foodstalls located at the northern side of the municipal plaza covered court, prescribing fees and imposing penalties for violation of any provisions hereof.

Jan

Presiding Officer

Member

LIGA President

Member

Member

Member

Member

Member

Member

Member

Member

Section 3. DEFINITION OF TERMS. Whenever used in this ordinance, the following terms shall mean:

- 3.1 Public Plaza Foodstall - assigned area or booth in the municipal plaza where foods are sold or offered.
- 3.2 Rental fee- means a charge fixed by law for the use of the stall
- 3.3 Stallholders- refers to those who have been granted permission to use stall or booth and pay rentals thereon

Section 4. THE FIXED OCCUPANCY PRIVILEGE FEE AND RENTAL.

- 4.1 The FIXED OCCUPANCY PRIVILEGE FEE for the stalls shall be at P2,000.00.
- 4.2 There shall be collected:
 - a.) P700 monthly rental fee for the smaller stalls
P300 for cash tickets or business license fee monthly
 - b.) P900 monthly rental fee for the larger stalls
P300 cash tickets or business license fee monthly
- 4.3 The fees herein imposed shall be paid and collected by the Municipal Treasurer or his/her duly authorized representative.

Section 5. CONDUCT OF BUSINESS. Food stallholders shall observe business hours from 4PM to 6am except on the following:

- 5.1 Market days (Wednesdays and Saturdays)
Stallholders are allowed to operate 24 hours.
- 5.2 Special occasions declared by the LGU authority such as town fiestas and other special events.

Section 6. PROHIBITED ACTS BY STALLHOLDERS

- 1. Selling of goods not covered by the Contract of Lease.
- 2. Unauthorized making of extension of stalls beyond the leased areas.
- 3. Utilizing the stall as residence or living quarters.
- 4. Littering, vandalism, and non-observance of cleanliness and orderliness.
- 5. Selling or transferring the privilege to lease the stalls or permitting another person to conduct business therein.
- 6. Operation of videoke machines and the like.
- 7. Display and selling of illegal products or items.
- 8. Selling of intoxicating liquors or alcoholic beverages.
- 9. Allowing other person/persons to bring intoxicating liquor or alcoholic beverages to the stall.
- 10. Drunk vendors are not allowed to sell.

Section 7. SUPPLEMENTARY PROVISIONS

- 7.1 *Idle or Inactive Stall*- Any stalls that shall be idle for three (3) months or ninety (90) consecutive days for whatever reasons shall be declared abandoned or vacant and shall be awarded to qualified applicants.
- 7.2 *Losses of Stallholders*. The LGU shall not be responsible for any loss or damages which stallholders may incur by reasons of fire, theft or robbery or force majeure
- 7.3 *Adjustment of Fees*. The LGU or the Sangguniang Bayan as the lessor reserves the right to make rental fee adjustment when it deems necessary.

7.4 *Delinquency*- Food stalls with 3 consecutive months of delinquency shall be padlocked.

Section 8. PENAL PROVISION. Violations committed on any of the provision of this ordinance shall be dealt with in accordance with the following:


- (1) FIRST OFFENSE - Fine of P200.00
- (2) SECOND OFFENSE - Fine of P500.00
- (3) THIRD OFFENSE - Fine of P1,000.00 plus revocation of permit and Termination of Lease Contract


SECTION 9. FINAL PROVISIONS

- A. *Separability Clause* - If any part or section of this Ordinance shall be declared invalid by any competent authority, such declaration shall not invalidate the other provisions thereof.
- B. *Repealing Clause* - All Ordinances, rules and regulations, or parts thereof, in conflict with or inconsistent with any provision of this Ordinance, are hereby repealed, amended or modified accordingly.
- C. *Effectivity* - This Ordinance shall take effect ten (10) days after posting of the same in three conspicuous places in the Municipality following approval of the Sangguniang Panlalawigan.

APPROVED ON NOVEMBER 28, 2011

We hereby certify to the correctness of the foregoing resolution, which was duly adopted by the Sangguniang Bayan during its Regular Session held on November 28, 2011.


JOSEFINA A. ALCANTARA
Secretary to the Sangguniang Bayan


GERALD D. DALUPANG
Member



GEORGE H. MANANGAN
Member


CECILIA F. RODRIGUEZ
Member


DANIEL L. FABUNAN
Member


MEMORACION A. ALEJANDRO
Member


MARLON OMAR C. RAVELO
Member


ALEX R. MAURICIO
Member

Ex-Officio Members:


RIZALINO F. RAGADIO
LIGA President

ATTESTED AND APPROVED:


IRENE D. CANLAS
Vice-Mayor/Presiding Officer

APPROVED by the Municipal Mayor on
December 9, 2011


JOSE F. RODRIGUEZ
Municipal Mayor