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REPUBLIC OF THE PHILIPPINES
19TH CITY COUNCIL
QUEZON CITY

PROPOSED ORDINANCE NO. __S-2015

AN ORDINANCE AMENDING THE QUEZON CITY MARKET CODE REGULATING THE ESTABLISHMENT, CLASSIFICATION, OPERATION AND ADMINISTRATION OF PUBLIC MARKETS, SLAUGHTERHOUSES AND ALL OTHER MARKET RELATED ACTIVITIES IN QUEZON CITY.

Introduced by : **Coun. DONATO C. MATIAS, Coun. MARVIN.C RILLO, Coun. JESUS MANUEL C. SUNTAY, Coun. FRANZ S. PUMAREN**

WHEREAS, the City Council being the legislative body of the City and as mandated by the Local Government Code of 1991, has enacted and approved ordinances including *Ordinance No. SP-944, S-2000*, otherwise known as the *Quezon City Market Code*, regulating the establishment, classification, operation and administration of public markets, slaughterhouses and other market related activities in Quezon City;

WHEREAS, there is a need to integrate these laws and ordinances for a more efficient and organized system of regulation of public markets, slaughterhouses and market related activities to safeguard interests of consumers;

WHEREAS, there is a need to amend certain provisions of the Market Code to provide for better public market management, maintenance and operation to enhance competitiveness, business and livelihood opportunities and ensure delivery of basic services to the community;

WHEREAS, the Market Development and Administration Department was created through *City Ordinance No. SP-950, S-2000*, specifically to

implement the provisions of the Quezon City Market Code and regulate the operation of all public markets, slaughterhouses and all other market related activities;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF QUEZON CITY IN REGULAR SESSION ASSEMBLED:

**ARTICLE I
GENERAL PROVISIONS**

SECTION 1. TITLE – This Code shall be known as the "Amended Quezon City Market Code" and shall be commonly referred to as the "Amended Market Code".

SECTION 2. DEFINITION OF TERMS – As used in this Ordinance, the following terms shall be defined as:

2.1 **MDAD** – refers to Quezon City Market Development and Administration Department.

2.2 **Public Market** – refers to any structure, building or place of any kind which has been established, designated or authorized by the City Council, whether government or privately-owned and operated, dedicated to the service of the general public, where wet and dry products may be bought and sold. It shall embrace the whole plot of ground intended for or assigned to such market site, as delimited by their respective technical descriptions, location plans, subdivision surveys and building plans, and shall include all market stalls, kiosks, booths, buildings, roads, subways, waterways and drainage and other connections, parking spaces and other appurtenance which are integral parts thereof.

2.2.1 **City Market** – refers to government-owned and/or operated public markets established out of public funds or those leased/acquired by any legal modes or means from persons, natural or juridical, to be operated by the City

Government either through its instrumentality, branch or political subdivision.

2.2.2 **Private Market** - refers to markets established by an individual or group of individuals out of private funds and operated by a private entity, natural and juridical, under government franchise and permit.

2.2.3 **Talipapa/ Satellite Market** - refers to a type of public market with less than 100 stalls and minimum required facilities and usually caters to a limited number of customers found in a small community.

2.2.4 **Bagsakan** - refers to a market where fish, seafoods, livestock, fruits, vegetables and other food merchandise are sold on wholesale basis.

2.3 **Market Stall** - refers to any allotted stand, space, compartment, store or booth in the public market wherein merchandise is sold or offered for sale, or intended for such purpose.

2.4 **Market premises** - refers to any open space in the market compound, the market lot consisting of bare grounds not covered by the market building, and the total area designated as the market place.

2.5 **Stallholder** - refers to the awardee of a stall within a public market, who has been granted the right or privilege to use the stall, and pays rentals thereon, for the purpose of selling his goods/commodities/service.

2.6 **Market Sections** - refer to the various sections to which stalls in public markets are grouped and classified:

2.6.1 **Meat, Pork and Dressed Chicken Section** - refers to the area where only all kinds of meat and other meat products allowed by law are sold, with meat, pork, and

dressed chicken separately displayed and properly labeled;

2.6.2 Fish Section - refers to the area where only fresh fish, clams, oysters, crabs, lobster, shrimps, seaweeds and other seafoods and marine products are sold;

2.6.3 Dry Goods Section - refers to the area where only all kinds of textiles, ready-made dresses and apparels, native products, toiletries, novelties, footwear, laces, kitchen wares, utensils and other household articles, handbags, and school and office supplies are sold;

2.6.4 Vegetable and Fruit Section - refers to the area where only all kinds of vegetables and fruits and root crops allowed by law, such as camote, cassava, ube and the like are sold;

2.6.5 Poultry Products Section - refers to the area where only live chickens, ducks, suckling or piglets, and the like are sold;

2.6.6 Plants and Garden Section - refers to the area where only all kinds of plants and flowers, whether fresh or artificial, garden accessories and implements or tools are sold;

2.6.7 Groceries/ Sari-Sari Section - refers to the area where only all kinds of cakes, biscuits, pastries, crackers, butter, cheese, confections, candies, canned or bottled foods, beverages, soft drinks, cigarettes, flour, oatmeal, ham, bacon, sugar, nuts, sauce, all kinds of cereals such as rice, corn, mongo and the like, eggs, sausages, starch, smoked fish, dried fish, salt, feeds, soap and other household and food products including firewood and charcoal are sold;

2.6.8 Eatery Section - refers to the area where only all kinds of cooked/ prepared food shall be sold. This includes

carinderias, refreshment parlors, cafeterias, snack counters and kiosks where delicacies are sold;

2.6.9 Miscellaneous and Other Special Services Section -

refers to the area where any other business not classified above is allowed, except the sale of flammable products such as liquefied petroleum gas (LPG).

- 2.7 Support facilities** -refers to service areas directly supportive of market operations, including the "bagsakan" area, central collection station for wastes, poultry dressing area, ice storage facilities, cold storage and storage rooms, toilets, parking areas, slaughterhouses, ice-plants, warehouses and trading posts.
- 2.8 Slaughterhouse** -refers to any place, building or structure of any kind, whether it be owned or operated by the government or through a franchise granted by the *Sangguniang Panlungsod*, with the approval of the City Mayor thru the recommendation of MDAD, where all animals and fowls allowed by existing laws are being slaughtered.
- 2.9 Ambulant, transient or itinerant vendor** - refers to a vendor or seller who does not permanently occupy a definite place or stall in the public market but who comes either daily or occasionally to sell his/her goods.
- 2.10 Hawker** - refers to an ambulant vendor or peddler, whether registered or unregistered, who conducts business, without being necessarily related to a market activity, outside the premises of a public market, usually on sidewalks, streets, thoroughfares, government lot and other public spaces.
- 2.11 Tiangge/ Flea Market** - refers to a place where only dry goods or services are sold for a brief duration in a stall or outlet which is not permanently fixed to the ground and is normally set up in places like the shopping malls, hospitals, office buildings, hotels, villages or subdivisions, churches, parks, streets and other private or public places.

- 2.12 **Tiangge Organizer** - refers to the primary lessee of the entire space where the operations of a *tiangge* are held by virtue of a lease contract executed between the owner of the leased property and the organizer who subsequently sub-leases the same to exhibitors/ traders during the entire duration of the lease contract. In case the owner of the real property is the one directly leasing to the exhibitors/ traders, such owner shall be constituted as the organizer, for this purpose.
- 2.13 **Tiangge Exhibitor/ Trader** -refers to the person or entity sub-leasing from the organizer a space upon which stalls or booths are erected for the purpose of selling goods or services.
- 2.14 **Vendor** -refers to any a person who sells goods, commodities or foodstuffs, and other merchandise.
- 2.15 **Peddler** -refers to any person who, either for himself or on commission, travels from place to place and sells his goods or offers to sell and delivers the same.
- 2.16 **Street Vendor** -refers to a person who offers goods or services for sale to the public in public spaces without having a permanent built up structure; may be stationary by occupying space on the pavements or other public/private areas, or may be mobile, moving from place to place carrying their wares on push carts or in cycles or baskets on their heads, or may sell their wares in moving bus etc. The term incorporates all other specific terms used to describe this particular group of the informal sector, such as, hawker, peddler, huckster, sidewalk vendor/trader, itinerant merchant, transient vendor, etc.

SECTION 3. RULES OF INTERPRETATION – In the interpretation of the provisions of this Code, the following rules shall apply, unless otherwise inconsistent with the manifest intent of the said provisions:

- 3.1 **Common and Technical Words** – Words and phrases shall be construed and understood according to their common and approved usages. Words and phrases which may require a technical, peculiar, and appropriate meaning under this Code

shall be construed and understood according to such technical, peculiar or appropriate meaning.

- 3.2 **Gender and Number** – Every word in the Code importing the masculine gender shall extend and apply to both male and female. Every word importing the singular number shall extend and apply to several persons or things as well. Every word importing the plural number shall extend and apply to one person or thing as well.
- 3.3 **Computation of Time** – The time within which an act is to be done as provided in this Code in any rule or regulation issued pursuant thereto, when expressed in days, shall be computed by excluding the first day and including the last day.
- 3.4 **Conflicting Provisions** – If the provisions of this Code conflict with each other, the provision of each chapter or article shall prevail as to specific matters and questions involved therein.

ARTICLE II
THE MARKET DEVELOPMENT
AND ADMINISTRATION DEPARTMENT

SECTION 1. MDAD – The Market Development and Administration Department, hereinafter referred to as MDAD for brevity, is mandated to implement and enforce the Amended Market Code and other city laws and ordinances pertinent to the administration of city-owned public markets and regulation of the establishment and operation of public markets, slaughterhouses, and all other market related activities in Quezon City, including *tiangges*, and street vending.

SECTION 2. THE CITY MARKET ADMINISTRATOR

2.1 MDAD shall be headed by the City Market Administrator who shall have the authority to implement any or all parts of the provisions of the Amended Market Code and shall:

2.1.1 Exercise general supervision and control over the management, operation, maintenance and development

of city-owned public markets in accordance with the plans and programs of the City Government, including the allocation, adjudication, assignment/ reassignment resectioning/ regrouping and construction of stalls;

2.1.2 Propose policies and prepare, execute and coordinate plans and programs for the improvement and enhancement of the operations of public markets, slaughterhouses and other market related activities, including the designation of vending sites;

2.1.3 Enforce all laws, rules and regulations affecting the regulation of the establishment, classification and operation of public markets, slaughterhouses and all other establishments with market related activities in Quezon City, including *tiangges*, and vending sites;

2.1.4 Issue business permits/license to operate to public markets, slaughterhouses, and establishments with market related activities and vendors thereat, for and by the authority of the Mayor, subject to compliance to requirements of the Amended Market Code, City business operations laws, fair trade laws, revenue laws and other related laws, rules and regulations, guidelines and policies;

2.1.5 Conduct regular inspection and monitoring of public markets, slaughterhouses and other establishments with market related activities, including *tiangges*, meat shops and vending sites, to ensure their strict compliance with this Code, City business operations requirements, fair trade laws, revenue laws and other related laws, rules and regulations, guidelines and policies;

2.1.6 Cancel the market stall award, revoke the lease contract and cause the expulsion or ejection of stallholders in city markets for violation of the Amended Market Code, business operations requirements, fair trade laws,

revenue laws and other related laws, rules and regulations, guidelines and policies;

2.1.7 Revoke business permits, suspend business operations, issue Cease and Desist Order (CDO), close permanently or temporarily the business establishment of any person covered by this Code, or cause the clearing of vending sites, without prejudice to the filing of other legal complaints, for violation of the Amended Market Code, City business operations requirements, fair trade laws, revenue laws and other related laws, rules and regulations, guidelines and policies.

2.2 The City Market Administrator shall have the power to delegate such authority, duties and responsibilities to any bona fide employee or any authorized representative of MDAD; Provided, That the delegation of authority is subject to issuance of Mission Order, Office Order, or similar order of assignment.

ARTICLE III BASIC POLICIES AND REGULATIONS

SECTION 1. ESTABLISHMENT AND CONSTRUCTION OF PUBLIC MARKETS AND SLAUGHTERHOUSES

- 1.1 Public markets and slaughterhouses shall be established only on sites in accordance with zoning ordinance, the Quezon City Building Code, Sanitation Code of Quezon City and other applicable City ordinances.
- 1.2 The economic viability of the area, the number of existing public markets, and the needs of both consumers and traders in the area shall be considered in the establishment of public markets.
- 1.3 The construction of public markets and slaughterhouses, shall be in accordance with the provisions of the National Building Code and shall conform to standards prescribed by the Quezon

City Sanitation Code, Quezon City Green Building Code and other applicable existing laws and ordinances.

- 1.4 No person, partnership, or corporation shall operate a private market or a slaughterhouse within Quezon City without first securing a franchise from the City Council and payment of franchise tax prescribed by the QC Revenue Code and as prescribed by this Code's Implementing Rules and Regulations.

SECTION 2. OPERATION AND MAINTENANCE OF PUBLIC MARKETS AND SLAUGHTERHOUSES

- 2.1. **Cleanliness and Sanitation** - Public markets, slaughterhouses, and other establishments covered by this Code, shall at all times be kept clean and in good sanitary condition, and shall be maintained and operated in accordance with the provisions of the Sanitation Code and applicable City ordinances.

- 2.2 **Market Sections** – Stalls in public markets shall be grouped into different sections according to the following kinds of merchandise offered for sale:
 - 2.1.1 Meat, Pork and Dressed Chicken Section
 - 2.1.2 Fish Section
 - 2.1.3 Dry Goods Section
 - 2.1.4 Vegetable and Fruit Section
 - 2.1.5 Poultry Products Section
 - 2.1.6 Plants and Garden Section
 - 2.1.7 Groceries/ *Sari-Sari* Section
 - 2.1.8 Eatery Section
 - 2.1.9 Miscellaneous and Other Special Services Section.

- 2.3 **Single Entry** – There shall only be a single entry point in all public markets for the delivery and distribution of meat, animal carcasses, organs or parts thereof.

- 2.4 **Posting of Rules and Regulations** – The rules and regulations concerning sanitation and good order of markets and such other rules and regulations as may be deemed

necessary in the operation and maintenance of the public market shall be posted in each market.

SECTION 3. REQUIRED SERVICES AND FACILITIES

- 3.1 **Public Toilets and Washing Facilities** – Adequate and clean toilet facilities for male, female and customers with disabilities shall be provided in accordance with the requirements set forth in the Implementing Rules and Regulations of the Sanitation Code of Quezon City.

Wash hand basins equipped with adequate supply of water shall be installed in convenient places.

- 3.2 A *Timbangan ng Bayan* shall be provided in all public markets in order for the buying public to determine, double-check, or find out for themselves, whether the weight or measure of what they bought is accurate or not.

The *Timbangan ng Bayan* shall be installed at strategic places and shall be calibrated and sealed by the City Treasurer's Office, to serve as the standard for weight or measure in the buying or selling of foodstuffs in the marketplace. The period and frequency of the regular calibration shall be prescribed in this Code's IMayor'implementing Rules and Regulations.

- 3.3 A **Consumer Welfare Desk** shall be established in all public markets for purposes of receiving, investigating and responding to consumer complaints.
- 3.4 **Price Tags** - All consumer products sold in retail to the public shall bear an appropriate price tag, label or marking indicating the price of the article. Such consumer products shall not be sold at a price higher than that stated therein. A price list shall be allowed when the consumer product is too small or the nature of which makes it impractical to place a price tag thereon.

Violation of the above provision shall be penalized in accordance with the following:

- First Offense -A fine of Two Thousand Pesos (P2,000.00)
- Second Offense -A fine of Three Thousand Pesos (P3,000.00)
- Third Offense -A fine of Five Thousand Pesos (P5,000.00) and revocation of business permit

3.5 A **Price Monitoring Board** shall be installed in a strategic area in each public market to serve as guide on prevailing prices of basic and prime commodities and inform consumers and vendors alike.

3.6 All public markets shall display conspicuously, particularly in the market stalls, the environment friendly notice "*Save the Environment, bring your own recyclable/reusable bags*".

The following graduated penalties shall be imposed for non-compliance to this provision by any person, firm, association, partnership or corporation:

- First Offense -a fine of One Thousand pesos (P1,000.00)
- Second Offense -a fine of Three Thousand Pesos (P3,000)
- Third Offense -a fine of Five Thousand Pesos (P5,000.00) and cancellation of business permit

3.7 All public markets, regardless of effluent discharge, and slaughterhouses shall be required to install, maintain and operate a sewage treatment plant. Non-compliance hereof shall cause the non-issuance of the business permit.

3.8 A waste management system which includes garbage reduction, segregation and promotes recycling shall be implemented in all public markets.

Public market management shall provide for proper garbage collection, storage and disposal while market stallholders shall practice segregation and provide their own garbage bags or receptacles.

Violation of this Section shall be penalized in accordance with the corresponding provisions of the QC Environment Code.

SECTION 4. RESTRICTIONS AND PROHIBITIONS

- 4.1 The peddling or selling outside public markets of foodstuffs, such as, vegetables, meat, chicken, fish, seafoods and others of perishable nature or which easily deteriorate shall be prohibited.
- 4.2 In no case shall anyone, stallholders or outsiders convert the stalls/booths or any portion of the public market premises into temporary or permanent dwelling place where they will eat, sleep and use the public toilets/baths as their own.
- 4.3 No person shall drink, serve or dispense liquor or any intoxicating drink within the premises of any public market.
- 4.4 No dogs or other animals shall be left astray in any public market.
- 4.5 The use of bulbs which produce yellowish and colored glow and any luminous reflectorized materials shall be prohibited in all public markets and other similar establishments selling fresh vegetables, fish and meat. Only daylight fluorescent lamps that produce clear and colorless lights shall be used.

Any person who violates this Section shall be penalized as follows:

- First Offense -Fine of Five Hundred Pesos (P500.00);
- Second Offense -Fine of One Thousand Pesos (P1,000.00);

Third Offense -Revocation of business permit and Certificate of Award/ Lease Contract, in case of a stallholder in a city market

- 4.6 Vendors/stallholders in public markets, *tiangges*, vending sites and other establishments covered by this Code shall not be allowed to directly distribute plastic carryout bags at the point of sale. Plastic bags that have no handles, holes or strings shall be allowed only for fresh/wet goods such as pork, beef, chicken, fish and other seafood and marine products, fruits, vegetables, cooked food and uncooked rice.
- 4.7 Cooking stoves/appliances shall not be allowed inside public market premises, except in stalls in the Carinderia Section, where cooking shall be allowed only during market hours. Likewise, storage of flammable and combustible substances and use of excessive electrical appliances, which may become fire precursors, shall not be allowed.
- 4.8 To ensure safety of the vendors and consumers, products considered as flammable and combustible are prohibited. This shall include liquefied petroleum gas (LPG), gasoline, kerosene, paint and lacquer thinners.

SECTION 5. PERMITS AND LICENSES

- 5.1 Any person who shall conduct or operate business in public markets and establishments mentioned in this Code, shall first secure a business Permit from the Business Processing and Licensing Office with the recommendation of the MDAD and pay the corresponding taxes and fees to the City Treasurer, in accordance with the provisions of the Quezon City Revenue Code. No Business Permit for this purpose shall be issued without prior recommendation from the MDAD.
- 5.2 The Business Permit to engage in business shall be duly renewed every year. Failure to renew the permit shall subject the taxpayer to surcharges and interests in accordance with the provisions of the Quezon City Revenue Code and other sanctions under this Code.

- 5.3 The issuance of the permit shall not relieve the permittee from the fulfillment of the requirements of other departments or agencies in connection with the operation of the business.
- 5.4 All business establishments applying for or renewing business permits shall secure barangay clearance from the barangay where they are located before a Business Permit may be issued.
- 5.5 The Business Permit, together with Business Registration Plates issued to business operators with fixed business address, shall at all times be posted or displayed for public view. Operators with no fixed place of business or office shall keep a copy of the Business Permit or copy thereof, in their person.
- 5.6 A Business Permit shall be refused on the ground that the applicant for the permit has violated and continues to violate the Amended Market Code or any ordinance or regulation relating to such a permit.
- 5.7 Upon proper and written notice, the Business Permit shall be revoked for violation of any condition set forth in the permit.
- 5.8 Every person within Quezon City using instruments of weights and measures in his business shall have them tested and sealed annually, and pay the corresponding fees in accordance with the provisions of the Quezon City Revenue Code to the City treasurer. The official receipt evidencing payment shall serve as a license to use such instrument for one (1) year from date of sealing unless such instrument becomes defective before the expiration period.

Violation of this provision shall be subject to penalties stipulated in the QC Revenue Code.

SECTION 6. MONITORING AND INSPECTION

- 6.1 The City Market Administrator or his duly authorized representative shall conduct regular inspection and monitoring

of operations of all public markets to ensure their strict compliance with the Amended Market Code, city business operations regulatory requirements, Fair Trade Laws, revenue laws and other related laws, rules and regulations, guidelines and policies.

- 6.2 It shall be unlawful for any person to refuse entry and to resist or interfere with the conduct of inspection of any authorized representative of MDAD, who shall, after properly announcing the purpose of his visit through the presentation of the mission order, have the authority to enter, inspect, investigate, verify, monitor, or take pictures at any time during operating hours, any building or premises, or part thereof.

Any person who violates this provision shall be subject to the following administrative penalties and to such other administrative remedies as may be deemed appropriate including revocation of the business permit, consistent with due process:

First Offense -An administrative fine of One Thousand Pesos (P1,000.00) and issuance of a Notice of Violation;

Second Offense -An administrative fine of Three Thousand Pesos (P3,000.00) and issuance of a Cease and Desist Order;

Third Offense -An administrative fine of Five Thousand Pesos (P5,000.00) issuance of Closure Order.

If the violator is a corporation or other corporate entities, the President, Manager, or person directly responsible for its operation shall be held liable.

- 6.3 It shall be unlawful for any person to impersonate or falsely represent any officer, employee, or authorized representative of

MDAD, or wear without authority any uniform, badge, or insignia adopted by the Department, or who shall deface, change or alter, falsify, remove, or destroy any notice, poster, or marking placed in or any building, premises, or part thereof, or any person in charge of any building, premises, or place, or part thereof, who shall knowingly permit or allow the same to be done.

Any person found violating this Section shall, upon conviction, be punished with a fine of not less than Three Thousand Pesos (P3,000.00) or not more than Five Thousand Pesos (P5,000.00) or imprisonment of one (1) day but not more than seven (7) days, or both, at the discretion of the Court. In cases of false representation and usurpation of authority, the offender shall be punished with a fine of not less than Five Thousand Pesos (P5,000.00) or an imprisonment of six (6) months and one (1) day in its minimum period, but not exceeding one (1) year of imprisonment or both, at the discretion of the Court.

6.3 Upon proper and due notice, the City Market Administrator shall suspend the business operations and close business establishments covered by this Code for any of the following violations:

6.3.1 Failure to secure business permit and pay the corresponding fees in accordance with the Quezon City Revenue Code;

6.3.2 Failure to comply with the regulatory requirements pertaining to the nature of business mentioned in this Code;

6.3.3 Violation of any condition set forth in the business permit;

6.3.4 Abuse of privilege to do business or pursue an activity to the injury of public morals and peace; and

6.3.5 When the place of business become a nuisance or is allowed to be used by disorderly characters, criminal or persons of ill repute.

ARTICLE III CITY MARKETS

SECTION 1. MARKET HOURS - All city markets shall be operated from 4:00 AM to 10:00 PM daily. Extension of market hours shall be with prior approval of the City Market Administrator and subject to provisions for safety, security and sanitation.

SECTION 2. CLASSIFICATION - For the purpose of this Code, the city-owned and operated public markets are hereby classified base on the number of stalls and income into:

- Class A** Galas Public Market, Kamuning Public Market, Murphy Public Market
- Class B** Frisco Public Market, Project 4 Public Market,
- Class C** San Jose Public Market, Project 2 Public Market, Roxas Public Market

SECTION 3. AWARD AND OCCUPANCY

- 3.1 Awarding of stalls in city markets shall be in accordance with policies, guidelines and procedures approved by the City Mayor.
- 3.2 An application fee of Ten Thousand pesos (P10,000.00) shall be collected from applicants for market stalls to cover expenses for the processing of necessary documents including the Certificate of Award/ Occupancy for the stall.
- 3.3 Stall awardees shall execute a Contract of Lease which shall be valid up to five (5) years. The Lease Contract may be renewed under new terms and conditions subject to the review of the awardee's compliance to market rules and regulations and to the conditions of the lease contract.

- 3.4 New stall awardees shall be required to deposit a cash bond of Fifteen Thousand Pesos (P15,000.00) as guarantee that they shall strictly and faithfully comply with their obligations under the Lease Contract. This may be waived by MDAD after three (3) years should the awardee not commit any violation whatsoever continuously for three (3) years.
- 3.5 Failure to occupy the awarded stall within thirty (30) days after the grant of the Certificate of Award/Occupancy shall mean forfeiture of the right to the stall.
- 3.6 Any applicant who is not satisfied with the adjudication of the stall applied for by him, may file with the City Mayor an appeal there from and the decision of the City Mayor on the appeal shall become final after the lapse of fifteen (15) days, where on the order to submit other pertinent documents for purposes of review or a justifiable reconsideration have been issued by the City Mayor.
- 3.7 Any stallholder whose award in the city markets had been revoked and considered recidivist shall be permanently and perpetually disqualified from being the beneficiary of an award as a stallholder.

SECTION 4. MARKET RENTALS AND FEES

4.1 Rentals

- 4.1.1 The City shall collect fees or rentals for the occupancy or use of any part of a city market or its premises in accordance with existing laws and the actual requirements for the maintenance of the city markets and the sustenance of their economic viability.
- 4.1.2 Reasonable rates of fees or rentals per square meter or space per month or day shall be fixed for each market section and market class, with higher rates assigned to fixed stalls or booths situated in better locations.
- 4.1.3 The rates of fees or rentals, which shall be determined by a study of MDAD and the City Planning and Development

Office (CPDO) and consultation with affected market vendors, shall be approved by the City Mayor.

The rental fees shall be increased every two (2) years, or as may be deemed necessary, by ten percent (10%) or based on the published inflation rate per consumer price index of the preceding year, whichever is higher.

4.1.4 The rentals shall be paid to the City Treasurer within the first twenty (20) days of each month. Late payments shall be imposed additional twenty-five percent (25%) surcharge, in accordance with the QC Revenue Code. In case of a new lease, the rental due for the month in which the lease starts, which may be prorated based on the date of occupancy, shall be paid before the actual occupancy of the stall.

4.1.5 Failure to pay the rentals within the prescribed period shall be sufficient cause for the cancellation of the lease, revocation of the award and the ejection of the lessee from his stall, in accordance with the due process of the law.

4.1.6 Any stallholder in city markets who habitually fails to pay the monthly fees herein prescribed twice and such other regulatory fees mandated by other laws or ordinances, or violates any provision of this Code shall be sufficient cause for the revocation of the lease right and the consequent ejection from the stall(s)/booth(s) or space(s) so occupied in the city markets. The revocation or cancellation of such lease right may be effected by the City Market Administrator after observance of the due process

4.2 **Market Entrance Fee** -Market entrance fees shall be paid before a transient vendor or temporary stallholder shall be allowed to sell or dispose of his merchandise within the market premises.

- 4.3 **Discharge Fee** -Trucks or other conveyances, whether hired or not, parked within the fifty (50) meter radius from the border of the market and disposing, discharging or advertising products/merchandise therein shall pay discharge fees as prescribed in the QC Revenue Code.
- 4.4 **Parking Fee** -Parking fees, in accordance with provisions of the QC Revenue Code, shall be charged for use of parking areas within city market premises.
- 4.4 The income of city markets from rentals shall be reserved and set aside as capital and management development fund for the maintenance and improvement of the city markets to enhance their competitiveness and support their sustainable operation.

ARTICLE IV TIANGGES

Section 1. COVERAGE - Retail or commercial activities held for a total period not exceeding three (3) months, whether daily or intermittently, as in weekends only, in temporary stalls, tents or booths set up inside or outside buildings or business establishments, shall be classified as *tiangge* activity and shall be covered by this Code.

Section 2. SPECIAL PERMIT

2.1 Organizers of *tiangges* to be held in parks, car parks, churchyards, building lobbies, open spaces, inside or outside of buildings or business establishments, and other areas not approved in the building permits for commercial activity or use, shall first apply for a Special Permit from the City Council before the start of the operation of the *tiangge*.

2.2 The Special Permit, if granted shall be effective only for the duration of the *tiangge*.

Section 3. BUSINESS PERMIT

3.1 The *tiangge* organizer and each *tiangge* exhibitor shall secure a business permit from MDAD before engaging in the *tiangge*.

3.2 It shall be unlawful for the organizer to allow a privilege-store operator to engage in the *tiangge* without securing the required business permit.

Section 4. PENALTIES -Violation of the above shall be penalized with a fine of not less than One Thousand Pesos (P1,000.00) but not more than Five Thousand Pesos (P5,000.00) and/or imprisonment of one (1) month but not more than six (6) months or both at the discretion of the Court, **Provided**, that should the organizer allow two (2) or more exhibitors without business permits to engage in the *tiangge*, the maximum penalty shall be imposed. **Provided further**, that if the organizer and exhibitors are juridical persons, the penalty shall be imposed on the general manager, president, director or trustee and such other person who authorized or committed the offense.

ARTICLE V REGULATION OF STREET VENDING

Section 1. VENDING AREAS/ SITES

- 1.1 The City Mayor shall designate vending areas/sites where street vendors shall be allowed to pursue their livelihood legitimately and under regulation of MDAD in accordance with policies, guidelines and procedures approved by the City Mayor.
- 1.2 No vending activity shall be allowed in footbridges or pedestrian overpasses and places not designated as vending sites.

Section 2. REGISTRATION OF STREET VENDORS

- 2.1 Street vendors in designated vending sites shall register with MDAD and pay corresponding taxes and fees in accordance with provisions of the QC Revenue Code.
- 2.2 Vendors who fail to register, acquire a Vending Permit and comply with regulations in the vending site shall not be allowed to operate in the designated vending areas.

Section 3. VIOLATIONS AND PENALTIES

- 3.1 Vendors in areas not designated as vending areas shall be cleared, with their goods confiscated and vending paraphernalia demolished.
- 3.2 Vendors in violation of Section 2 above shall be penalized as follows:
 - 3.2.1 Vending without a vending permit -The vendor shall be issued a Notice of Violation, for compliance within five (5) days. Failure to comply shall cause issuance of Notice of Clearing or Eviction from the vending site, to be effected within three (3) days.

3.2.2 Violation of duties, rules and regulations in the vending site -

- | | |
|----------------|--|
| First Offense | -a penalty of Five Hundred Pesos (P500.00) |
| Second offense | -a penalty of One Thousand Pesos (P1,000.00) |
| Third Offense | -cancellation of vending permit and eviction from the vending site |

**ARTICLE V
FINAL PROVISIONS**

SECTION 1. INCORPORATING CLAUSE - All existing applicable laws, ordinances, resolutions, issuances or circulars related and not inconsistent to the purpose for which this omnibus market code has been passed and approved are deemed incorporated.

SECTION 2. SEPARABILITY CLAUSE – Any ordinance, rules and regulations, issuances or circulars inconsistent with the provisions of this Code are hereby repealed or modified accordingly.

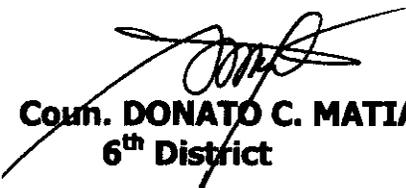
SECTION 3. REPEALING CLAUSE - All Ordinances, circulars, memoranda, orders and any issuances inconsistent with this code are hereby deemed modified, repealed and / or revoked accordingly.

SECTION 4. IMPLEMENTING RULES AND REGULATIONS — A Technical Working Group is hereby created composed of the following to draft the Implementing Rules and Regulations of this Code:

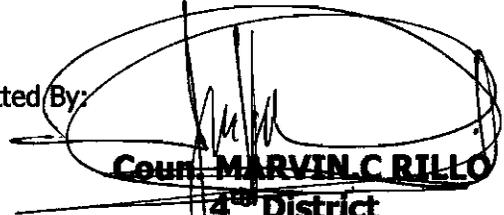
- a. Office of the Mayor
- b. City Veterinary Office
- c. City Treasurer's Office
- d. Business Permits and Licensing Office
- e. Market Development and Administration Department
- f. City Legal Department

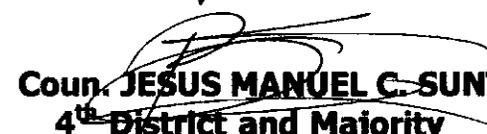
within Fifteen (15) days from the approval of this Ordinance.

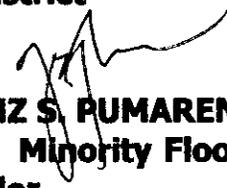
SECTION 5. DATE OF EFFECTIVITY – This ordinance shall take effect Fifteen Days (15) Days after its publication in a newspaper of general circulation and upon posting to the website of the Quezon City Government.


Coun. DONATO C. MATIAS
6th District

Submitted By:


Coun. MARVIN C. RILLO
4th District


Coun. JESUS MANUEL G. SUNTAY
4th District and Majority
Floor Leader


Coun. FRANZ S. PUMAREN
3rd District and Minority Floor
Leader