

13th Regular Session

ORDINANCE NO SP-**1809**S-2007
(PO2007-55)

AN ORDINANCE ADOPTING THE IMPLEMENTING RULES AND REGULATIONS (IRR) PROVIDING FOR THE STRICT IMPLEMENTATION, OF ORDINANCE NO SP-1711 S-2006, REGULATING THE OPERATION OF JUNKSHOPS IN QUEZON CITY AND PROVIDING PENALTIES FOR ANY VIOLATION THEREOF

*Introduced by Councilor DOROTHY A. DELARMENTE
Co-Introduced by Councilors Francisco A. Calalay, Jr.
Victor V. Ferrer, Jr., Joseph P. Juico, Ricardo T.
Belmonte, Jr., Winston "Winnie" T. Castelo,
Ramon P. Medalla, Voltaire Godofredo L. Liban III,
Eden "Candy" A. Medina, Franz S. Pumaren,
Wencerom Benedict C. Lagumbay, Jaime F.
Borres, Antonio E. Inon, Jr., Jesus Manuel C.
Suntay, Edcel B. Lagman, Jr. and Vincent DG
Belmonte*

WHEREAS, the Quezon City Council has already approved Ordinance No SP-1711, S-2006, entitled, "An Ordinance Regulating The Operation Of Junk Shops In Quezon City And Imposing Penalty For Violation Thereof And For Other Purposes"

WHEREAS, it is necessary to immediately incorporate the operation of junkshops to the City's Solid Waste Management and Reduction Program so as to efficiently carry out the objective and segregation scheme of the Environmental Protection and Waste Management Department (EPWMD) as provided for in the approved Implementing Rules and Regulations (IRR) pertinent thereto,

WHEREAS, in order to realize and achieve the intention of the said Ordinance as well as to effect full implementation of the Ecological Solid Waste Management Act of 2000, it is necessary to adopt the said rules and regulations so as to regulate the operation of the junk shop and to provide penalties for any violation thereof

M. ...

NOW, THEREFORE,

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

SECTION 1. TITLE - This Ordinance shall be known as the
"Implementing Rules and Regulations of Ordinance No. SP-1711,
S-2006 Regulating the Operation of Junk Shops in Quezon City.

SECTION 2. SCOPE - This Rules shall lay down the
responsibilities of the Environmental Protection and Waste
Management Department (EPWMD), the Business Permit and
Licensing Office (BPLO), the City Planning and Development
Office (CPDO), Quezon City Police District (QCPD), Barangay
Operations Center (BOC), Department of Public Order and Safety
(DPOS), Payatas Operations Group (POG), Community Relations
Office (CRO) and the Junk Shop Operators with respect to the
implementation of Ordinance No. SP-1711, S-2006.

SECTION 3. DEFINITION - For purposes of this Ordinance
the hereunder terms shall have the following meanings, to wit:

3. a. "Junk" - Any waste or discarded material or old
iron or other metal or substance, glass, paper, machine parts,
accessories, discarded machinery or discarded machines in
whole or in part and any material commonly and generally
known "junk", in the ordinary meaning of the word, acquired
and/or collected;

3.b. "Junkshop" - Any establishment or business area
in which "junk" is stored;

3.c. "Junk Dealer" - Any person, firm, association,
partnership or corporation who buys or otherwise acquires "junk"
for commercial purposes within the territorial jurisdiction of
Quezon City, and/or who collects and stores "junk" therein;

3.d. "Environmental Clearance" - a clearance issued
by the Environmental Protection and Waste Management
Department (EPWMD) to junkshops which are found to be
complying with the environmental standards as stated in
Ordinance No. SP 1711, S-2006. The Environmental Clearance
shall be valid for one (1) year and shall be a pre-requisite in the
issuance of a Business Permit;



SECTION 4 Procedure in Securing an Environmental Clearance

4 a. An Applicant for an Environmental Clearance shall submit the following:

4.a.1 An application in writing, in a form to be provided by the EPWMD, indicating therein the name, home address of the applicant, address and full description of the premises to be used, which must not be less than Thirty (30) Square Meters, and a statement of whether it is owned by the applicant. Proof of ownership or authority to use the premises must be attached to the written application (title, lease agreement and/or written consent authority from the owner),

4 a 2 Barangay Clearance, which is required of junkshops;

4 a 3 Locational Clearance or Certificate of Non-Conformance,

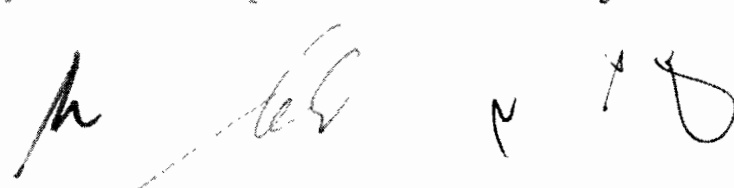
4.a.4. Duly accomplished application for a business permit to be submitted to the Business Permit and Licensing Office (BPLO).

4.b An applicant for an Environmental Clearance shall be required to pay the corresponding Environmental Inspection Fee (EIF) of Three Hundred Pesos (P300.00) as mandated under Ordinance No. SP-1729, S-2006

4.b 1 Upon application, the EPWMD shall issue an Order of Payment (OP) for the EIF to be paid at the City Treasurer's Office. Once payment has been made, a copy of the receipt must be attached to the application.

SECTION 5 INSPECTION OF JUNKSHOPS PRIOR TO ISSUANCE OF ENVIRONMENTAL CLEARANCE

A composite team from the Plans and Programs Development Division (PPDD), the Pollution Control Division (PCD) and the Environmental Enforcement Inspection Section (EEIS) shall strictly enforce the provisions of Ordinance No. SP-1729, S-2006 and are authorized to apprehend and penalize violators of said Ordinance



The team shall conduct inspection of the junkshop to validate whether the provisions of Ordinance No. SP-1711, S-2006 are being followed, such as:

- a. Having a floor area of not less than 30 square meters;
- b. Having separate sorting area, weighing and storage area;
- c. Having an orderly and well stored "recyclable materials",
- d. Has a provision for septic tank as may be deemed necessary by the LPWMD;
- e. Having an area or "park area" for pushcarts;
- f. Complying with the provisions of approved City Ordinance No. SP-941, S-2000

Junkshop owners/operators shall inquire about the status of their application for the Environmental Clearance fifteen (15) working days after the inspection has been carried out.

Compliant junkshops shall be issued an Environmental Clearance regardless of the existence or non-existence of a business permit.

SECTION 6. MONITORING OF COMPLIANCE WITH THE ENVIRONMENTAL REQUIREMENTS

6.a. The team shall monitor the compliance of junkshops to the environmental standards set forth in Ordinance No. SP-1711 S-2006 thru a random inspection of said junk shops.

6.b. The team shall likewise handle and act on complaints against junkshop operations pertaining to air, water, noise pollution, dirty premises and obstruction as well as other nuisances.

6.c. The team shall document each case and on third offense, inform the BPLO for appropriate action.

6.d. The team shall take pictures of violations committed by junkshops as evidence and for record purposes.

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SECTION 7. ENVIRONMENTAL PROTECTION OFFICER – An Environmental Protection Officer (EPO) shall be required of junkshops with a capitalization of more than One Million Pesos (P1,000,000.00) excluding land. The EPO shall be accredited by the EPWMD. The EPO accreditation fee of Three Hundred Pesos (P300.00), which shall cover the amount for the accreditation seminar/training workshop, shall be initiated by the OE and paid together with the EL.

SECTION 8. PROHIBITED ACTS - The following acts shall be prohibited:

- a. Operating junkshop with a floor area of less than 50 square meters;
- b. Improperly stored recyclable materials;
- c. Not maintaining a separate sorting area, weighing area and storage area;
- d. Utilization of sidewalks as sorting or weighing area;
- e. Use of establishment roof as storage area;
- f. Throwing of residuals and/or rubbish in creeks, rivers or any drainage system;
- g. Engage in operations that emit foul odor in work areas within the junkshop;
- h. Engaged in operations resulting to air, water and noise pollution;
- i. Dirty premises;
- j. Operating without installing the required signages;
- k. Failure to provide a park space for push carts;
- l. Failure to comply with the color coding scheme for push carts;
- m. Ambulant/push cart junk dealers that are working before 6:00 AM and beyond 6:00 PM;
- n. Unregistered push carts;
- o. Push carts that are improperly marked;
- p. Non-wearing of identification card (for ambulant/push cart dealers).

The composite team shall issue a Notice of Violation to junkshop owners/operators who were found to have committed a prohibited act.



SECTION 9. FINES AND PENALTIES - The following fines shall be imposed to junkshops owners/operators whether a person, firm, association, partnership or corporation for committing the prohibited acts or for non-compliance of or violation of any of the provisions of Ordinance No. SP-1711, S-2006.

A violation committed and validated during the first inspection regardless of type and quantity shall be treated as a **First Offense**

A violation committed and validated during the second inspection regardless of type and quantity shall be treated as a **Second Offense**.

A violation committed and validated during the third inspection regardless of type and quantity shall be treated as a **Third Offense**.

1 st Offense	-	A fine of One Thousand Pesos (P1,000.00)
2 nd Offense	-	A fine of Three Thousand Pesos (P3,000.00)
3 rd Offense	-	A fine of Five Thousand Pesos (P5,000.00) and a cancellation of business permit, or an imprisonment of not less than Thirty (30) days but not more than Sixty (60) days or both for Third and subsequent offense at the discretion of the court

For corporations or associations, its officers responsible for the non-compliance shall be held criminally liable

SECTION 10. COLLECTION OF FINES - An Environment Violation Receipt (EVR) shall be issued to violators of Ordinance No. SP-1711, S-2006 after which, the violators shall proceed to the EPWMD office within seven (7) working days for the issuance of the Order of Payment and make the necessary payment to the City Treasury. If a violator fails to settle his/her liability within the given time, the case shall be referred to the City Legal Office for appropriate action.

SECTION 11. SEPARABILITY CLAUSE - If any section or provision of these Rules and Regulations Ordinance is declared illegal or unconstitutional, other sections and/or provisions hereof shall continue to be in full force and effect

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SECTION 12. REPEALING CLAUSE - All rules and regulations, or any parts thereof inconsistent with these Rules and Regulations Ordinance are hereby revised, amended, modified and/or superseded as the case maybe by these Rules and Regulations.

SECTION 13. EFFECTIVITY - This implementing Rules and Regulations Ordinance shall take effect after sixty (60) days of posting in public and conspicuous places in Quezon City and publication in a newspaper of general circulation.

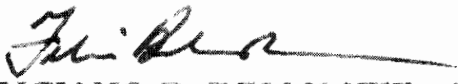
ENACTED: October 15, 2007.

BERNADETTE HERRERA-DY
President Pro-Tempore
Presiding Officer

ATTESTED:



DOROTHY D. LAGRADA, DPA
City Gov't. Asst. Dept. Head III

APPROVED: _____


FELICIANO R. BELMONTE, JR.
City Mayor

CERTIFICATION

This is to certify that this Ordinance which was APPROVED on Second Reading on October 15, 2007, was finally PASSED on Third/Final Reading by the City Council on November 19, 2007.


DOROTHY D. LAGRADA, DPA
City Gov't Asst. Dept. Head III

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