

DRAFT ORDINANCE NO. 1907-005

AN ORDINANCE PROHIBITING THE SALE AND MANUFACTURE OF MODIFIED MUFFLERS IN THE MUNICIPALITY OF TAYTAY.

AUTHORED & SPONSORED BY: HON. KYLE GEORIC Y. GACULA.

WHEREAS, Article II Section 15 of the 1987 Constitution recognizes the right of the people to health;

WHEREAS, Article 694 of the Civil Code of the Philippines, and the jurisprudence interpreting it has recognized noise as a nuisance that may be abated by the government;

WHEREAS, A study made by the World Health Organization concluded that noise can cause issues to the health of people;

NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF MUNICIPALITY OF TAYTAY IN REGULAR SESSION ASSEMBLED:

SECTION 1. DEFINITION OF TERMS.

- a) **MUFFLER**-a device that reduces the noise from the exhaust of an internal combustion engine
- b) **MODIFIED MUFFLER**- refers to a devise attached to a motor vehicle on which a sound booster and other sound emitting devise is installed in order to increase noise and for other purposes
- c) **MOTOR VEHICLE**- any device or vehicle used for transportation of people or goods, which is propelled by the use of energy other than the exertion of human or animal power;
- d) **DECIBEL**- refers to a measure of sound level and is equal to 10 times the 4 logarithms of the square of a measured sound pressure level (SPL) divided 5 by a reference sound pressure.

SECTION 2. COVERAGE-All commercial establishments within the territorial jurisdiction of the municipality engaged in the business of sale, manufacture, and modification of mufflers for motor vehicles used for transport of people and goods are covered by the act. The sale and/or manufacture of mufflers for motor vehicles for sports, motor shows, and the like are not covered by the provisions of this ordinance.

SECTION 3. ALLOWABLE NOISE- No muffler may be sold, manufactured, or modified which produces a sound of more than seventy (70) decibels, unless the vehicle to which the muffler is to be attached is not used for the transport of goods or people in public thoroughfares, or is used for sports, motor shows, and the like.

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JUL 12 2019

BY: KYLE G. Y. GACULA 11:32 AM

SECTION 4. INVENTORY SUBMISSION- All commercial establishments in the business of sale, manufacture, or modification of mufflers within the municipality shall within sixty (60) days from the effectivity of this act submit to the Municipal Public Safety Office an inventory of mufflers that it sells, manufactures, or modifies, and the decibel it emits. The Municipal Public Safety Office shall then conduct a test on the mufflers to see if they comply with the requirements of this ordinance. It shall likewise note whether or not the specific muffler is used for specialty vehicles such as those used for sports, motor shows, or otherwise intended for vehicles not used for the transport of people or goods in a public thoroughfare. All commercial establishments shall submit updated inventories to the Municipal Public Safety Office every thirty (30) days from the date of its first submission of inventories. Non-submission or submission of falsified entries, knowing or should have known them to be false shall constitute a violation of this ordinance.

SECTION 5. IMPLEMENTING RULES AND REGULATIONS- The Municipal Public Safety Office shall draft the Implementing Rules and Regulations for this ordinance, thirty (30) days from its effectivity. The IRR shall include methods by which the municipal government may measure the decibels a muffler produces.

SECTION 6. PENALTIES.

For the **1st violation**, a penalty of ten thousand pesos (Php 500.00)

For the **2nd violation**, a penalty of twenty-five thousand pesos (Php 1,500.00)

For the **3rd violation**, a penalty of fifty-thousand pesos (Php 2,500.00) and cancellation of business permit.

SECTION 7. REPEALING CLAUSE- All ordinances and resolutions, or parts thereof inconsistent with the provisions hereof shall be repealed or modified accordingly.

SECTION 8. SEPARABILITY CLAUSE- If for any reason any provision/s of this ordinance shall be found unconstitutional by competent authority, the other provision/s not so declared to be unconstitutional shall remain valid.

SECTION 9. EFFECTIVITY- This ordinance shall take effect (10) days after its publication in a local newspaper of general circulation and postings in conspicuous places in the Municipality.