



ORDINANCE No. 87 Series of 2004

ORDINANCE AMENDING ORDINANCE NO. 59, SERIES OF 1993, ENTITLED -"ORDINANCE REGULATING THE USE OF STREETS AND SIDEWALKS IN THE MUNICIPALITY OF MARIKINA", AS AMENDED BY ORDINANCE NO. 16, SERIES OF 2001.

Introduced by: Councilor VICTORIANO A. SABINIANO, JR.

WHEREAS, on August **20, 1993**, the then Sangguniang Bayan of Marikina passed Ordinance No. 59, **Series of 1993**, entitled - "Ordinance regulating the use of streets and sidewalks in the Municipality of **Marikina**";

WHEREAS, on January 31, 2001, the penalty clause under Section 5 of the above mentioned ordinance was amended by Ordinance No. 16, Series of 2001, which provides that:

*"SECTION 5 - PENALTIES. Any person or persons caught in the act for violating the prohibitions provided for under Section 1 of this Ordinance shall immediately be apprehended and be required to pay a fine of One Thousand Pesos (Phpl,QQQ.QQ)\*in addition to confiscation and forfeiture of his commercial goods/articles. Pending payment of said fine the offender shall temporarily be deprived of his liberty in the custody of the Office of Public Security and Safety (OPSS) for a minimum of 10 hours to a maximum of 18 hours"*

WHEREAS, for a more, efficient enforcement of the law, there is a need to amend the aforesaid provision;

NOW THEREFORE, BE IT ORDAINED AS IT IS HEREBY ORDAINED BY THE SANGGUNIANG PANLUNGSOD OF MARIKINA, in session duly assembled, that:

SECTION 1. Section 1 of Ordinance No. 16, Series of 2001, is hereby amended to read as follows:

*"SECTION 5 - PENALTIES. Any person or persons caught in the act of violating the prohibitions provided for under Section 1 of this ordinance shall be penalized as follows:*

**I. FOR MARKET STALL HOLDERS/OWNERS OF PUBLIC AND "PRIVATE/FLEA MARKETS AND OTHER COMMERCIAL/BUSINESS ESTABLISHMENTS: -**

**a. A fine of One Thousand Pesos (Phpl, 000,00) in addition to confiscation and forfeiture of his commercial goods/articles.**

**b. If the offender/violator committed the same offense for three (3) consecutive **times\*his business permit/license** to operate a stall shall be revoked and the store shall be permanently closed.**

**c. Refusal or failure to pay the fine within five (5) days upon issuance of the order of payment, the market stall or business**

establishment shall be temporarily closed until such time that the fine has been paid,

2. FOR ILLEGAL SIDEWALK/AMBULANT VENDORS:

Immediate apprehension of the offender and confiscation and forfeiture of his commercial goods and articles. In addition, he/she shall be liable to pay a fine of One Thousand Pesos (Php 1,000.00). In case of inability/non-capacity to pay the fine, the offender shall be temporarily deprived of liberty under the custody of the Marikina Public Market Office and or the Office of the Public Safety and Security (OPSS) for a minimum of 10 hours to a maximum of 18 hours.

*SECTION 2. This ordinance shall take effect upon approval.*

*APPROVED BY THE SANGGUNIANG PANLUNGSOD OF MARIKINA this 15<sup>th</sup> day of September, 2004.*