

"MUNICIPAL ORDINANCE NO. 05-09
Series of 2005

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PREFATORY STATEMENT

RA 9211, known as the Tobacco Regulation Act of 2003 was finally ratified by the congress on June 23, 2003, and one of the concerns provided therein is to regulate the use of cigarettes and tobaccos.

The primary purpose and the main thrust of this act is to promote a healthful environment, inform the public of the health risks associated with cigarette smoking, tobacco use, and among others (Sec. 3 of RA 9211)

To promote healthful environment as provided in Section 5 of said act, smoking shall be absolutely prohibited in public places, like schools, offices, bus terminal, public market, public conveyance and etc..

For humanitarian reasons and to protect the rights of the persons who are addicted smokers, and in conformance with the provision of RA 9211, smoking area within the municipal hall complex and within the public market premises shall be designated hence this ordinance

BE IT ORDAINED by the Sangguniang Bayan in session assembled:

SECTION I. TITLE. This shall be known as "AN ORDINANCE DESIGNATING SMOKING AREA WITHIN THE MUNICIPAL HALL COMPLEX AND PUBLIC MARKET PREMISES AT POBLACION IN CONFORMANCE WITH SECTION 6 OF RA 9211 KNOWN AS THE TOBACCO REGULATION ACT OF 2003".

SECTION II DESIGNATED SMOKING AND NON-SMOKING AREAS The following areas are hereby designated as the smoking area and all other places within the municipal hall complex and within the public market premises except the herein identified as smoking areas are considered as non-smoking area: Attached herewith is a sketch map of Municipal Streets which is form part of this ordinance.

1. On the vicinity of the left corner upon entering the Municipal Hall Complex
2. On the vicinity of the corner intersecting Adaza Street and Aguinaldo Street
3. On the vicinity fronting the Slaughterhouse at the side of A.B. Siasico Sr. Street opposite the ABS Mini-gymnasium.

SECTION III: ADMINISTRATIVE PROVISION: The Local Government Unit through the Municipal Engineering Office shall cause the posting of at least one (1) legible and visible sign in every designated area and not designated area namely "SMOKING AREA" and "NON-SMOKING AREA" or "NO SMOKING"

The same office shall establish benches/chairs and put-up a cigarette butts depository.

SECTION IV. PENALTY CLAUSE: Any person smoking outside of the designated smoking area is a violation of this ordinance and shall be apprehended and be penalized based on the following offense:

1 st Offense	P 500.00
2 nd Offense	800.00
3 rd Offense	1,000.00 and an imprisonment at the discretion of the Honorable Court.

within the hall
no smoking
the public

SECTION V. SEPARABILITY CLAUSE. Any violations related to the use of tobacco products not provided in this ordinance, the provisions of RA 9211 shall be applied.

SECTION VI. MISCELLANEOUS PROVISIONS. The fine collected from any violators shall be paid to the Municipal Treasurer, likewise said personnel or her/his duly authorized representative shall issue the corresponding official receipt and the funds shall be accounted as penalty of Ordinance No. 05-08.

SECTION VII. EFFECTIVITY. This Ordinance shall take effect 60 days after approval of the Sangguniang Panlalawigan and posting of copies at conspicuous places and publication of official gazette.

APPROVED in second reading this 4th day of August, 2005 subject for 3rd reading.