

Republic of the Philippines
Province of Ilocos Sur
MUNICIPALITY OF NARVACAN

OFFICE OF THE SANGGUNIANG BAYAN

31st Regular Session
Held at the SB Session Hall
On 01 August 2011

ORDINANCE NO. 2
Series of 2011

AN ORDINANCE ENACTING THE TRANSPORTATION AND TRAFFIC CODE OF NARVACAN, ILOCOS SUR

BE IT ORDAINED by the Sangguniang Bayan of Narvacan, Ilocos Sur that:

CHAPTER ONE

Article I – TITLE AND SCOPE

Section 1. Title. This ordinance shall be known as the "TRANSPORTATION AND TRAFFIC CODE OF NARVACAN 2011."

Section 2. Scope. This Code covers all general ordinances and special ordinances of Narvacan pertaining to traffic management and other related matters.

Article II - RULES OF CONSTRUCTION

Section 3. Construction of Codal Provisions. In construing the provisions of this Code, the following rules of construction shall be observed unless otherwise inconsistent with the manifest intent of the provisions or when applied, they would lead to absurd or highly improbable results.

- a. General Rule. All words and phrases shall be construed and understood according to the common and approved usage of the language; but technical words and phrases and such other words in this Code which may have acquired a peculiar or appropriate meaning shall be construed and understood according to such technical, peculiar or appropriate meaning.
- b. Gender and Number. Every word in this Code importing the masculine gender shall extend to both male and female. Every word importing the singular number shall extend and apply to several persons or things as well; and every word importing the plural number shall extend, and applied, also to one person or thing.
- c. Computation of Time. The time within which an act is to be done as provided in this Code, or any rule or regulation issued pursuant to the provisions thereof, when expressed in days shall be computed by excluding the first day and including the last day, except when the last day falls on Sunday or holiday, in which case, the same shall be excluded from the computations and the next business day shall be considered the last day.

- d. Tenses. The use of any verb in the present tense shall include the future whenever applicable. The words "shall have been" in this Code means the act being required to be done is mandatory, whereas when the word "may" is used, it means permissive.
- e. References. All references to the "Chapters", "Articles", or "Sections" are to chapters, articles or sections in this Code unless otherwise specified.
- f. Conflicting Provisions of Chapters. If the provisions of different Chapter conflict with or contravene each other, the provisions of each chapter shall prevail as to all specific matter and questions involved therein.
- g. Conflicting Provisions of Sections. If the provisions of different sections in the same chapter conflict with each other, the provision of the Section which is last in point of sequence shall prevail.

Section 4. Amendment and Integration of Additional Provisions. Any amendment on this Code may be introduced to the chapter, article or section concerned. All ordinances or provisions thereof enacted subsequent to the date of effectivity of this Code shall be complied in such a way as to bear the corresponding chapter, article or section to which such ordinance or provision pertains. Such new provisions shall be integrated into the corresponding chapter, article or section whenever a new printing or reproduction of this Code is undertaken upon authorization of the Sangguniang Bayan.

Article III – DEFINITIONS

Section 5. Meaning of Technical Terms. As used in this Code, the term:

- a. Bell – a hollow instrument of cast metal, typically cup-shaped with a flaring mouth, suspended from the vertex and rung by the strokes of a clapper.
- b. Colorum Tricycle-For-Hire (CTFH) - is composed of a motorcycle with a sidecar which has no valid government permit and franchise thereby making its operations unlawful and illegal.
- c. Dome Lights- a vault having a circular plan and usually in the form of a portion of a sphere, so constructed as to exert an equal thrust in all directions.
- d. Driver – means a person duly licensed to drive a motor vehicle. This term is synonymous to that term "chauffeur".
- e. Flashing Lights – a brief, sudden burst of bright lights.
- f. Horns – something used as or resembling such a wind instrument; and instrument for sounding with the use of air.
- g. Impounding of CTFH- is an act of a police officer, person in authority or an agent of a person in authority, on behalf of the Municipal Government of Narvacan to enforce this form of penalty to a violator of this Code by taking in custody of the Municipal Police Station the sidecar of the CTFH.

- h. Light Blinkers – a device for flashing light signals. A light that flashes intermittently.
- i. Mayor's Permit- is the document issued by the Mayor for the operation of a Tricycle-For-Hire (TFH) business by virtue of his executive and regulatory powers over any form of business in the Municipality; it has an effectivity of one (1) year renewable for the same period.
- j. Motorized Tricycle Operator's Permit or MTOP – is the document issued by the Mayor granting franchise to a person, natural or juridical allowing the same to operate TFH within the territorial jurisdiction of Narvacan. It has an effectivity of two (2) years renewable for the same period.
- k. Motor Vehicle – refers to any vehicle propelled by any power other than muscular power using the public roads, but except road rollers, trolley cars, street-sweepers, sprinklers, lawn mowers, bulldozers, graders, forklifts, amphibian trucks, and cranes if not used on public highways, vehicles which run only on rails or tracks and tractors, trailers and traction engines of all kinds used exclusively for agricultural purposes.
- l. No Parking – a motor vehicle is prohibited to park or from parking as defined under this Code.
- m. No Loading Zone – refers to a designated place or area where motor vehicles are not allowed to load or take in passengers or cargoes.
- n. No Unloading Zone – refers to a designated place or area where motor vehicles are not allowed to unload or discharge passengers or cargoes.
- o. Parking – as defined by the Land Transportation and Traffic Code, shall mean that a motor vehicle is "parked" or "parking" if it has been brought to a stop on the shoulder or proper edge of a road, and remains inactive in that place or close thereto for an appreciable period of time. A motor vehicle which properly stops merely to discharge a passenger or to take in a waiting passenger, or to load or unload a small quantity of freight with reasonable dispatch shall not be considered as "parked" if the motor vehicle again moves away without delay.
- p. Public Utility Vehicle – refers to any registered motor vehicle being utilized to carry passengers for-a-fee.
- q. Roads – refers to any public thoroughfare, public boulevard, driveway, avenue, park alley and callejon, but shall not include roadway on grounds owned by private persons, colleges, universities or the similar institutions.
- r. Siren – an acoustically designed instrument for producing musical tones, consisting essential of a disk, pierced with holes arranged equidistantly in a circle, rotated over a jet or stream of compressed air steam, or the like, so that the streams is alternately interrupted and allowed to pass.
- s. Thru-Stop Streets – refer to streets where vehicles are required to reduce speed while approaching the intersection of the street.

t. Tricycles-for-Hire (TFH) – is a motor vehicle composed of a motorcycle fitted with a single-wheeled sidecar or with a two – wheel rear cab operated to render transport service to the general public for fees.

u. Tourist buses – shall mean those that are “Chartered or Rented Buses.”

v. Whistle – an instrument for producing a whistling sound by means of the breath, steam, etc. as a small wooden or thin tube, a pipe, or a similar device with an air chamber containing a small ball which oscillates when air is forced through an air opening, producing high-pitched, warbling tones.

CHAPTER TWO TRAFFIC RULES AND REGULATIONS

Article I - ONE WAY STREETS

Section 6. One Way Streets – The following are hereby prescribed as one way streets:

- a) North Bound – from corner of National Road – Old National Road up to corner of Bonifacio St. – Old National Road
- b) South Bound –
 - 1.) from corner of San Jose St. – Bonifacio St. up to corner of Bauco St. – San Jose St.
 - 2.) from corner of Sta. Lucia St. – Tomas St up to Bauco – Sta. Lucia St.
- c) West Bound –
 1. from corner of Barangay Road – San Jose S. up to corner of Barangay Road – Old National Road
 2. from corner of Bauco St. – Old National Road up to National Road (exit road from town proper)
- d) East Bound – from corner of Bonifacio St. – Old National Road upto corner of San Jose St. – Bonifacio St.

Section 7. Implementation of One Way Traffic – Implementation of any one way street shall be from 6:00 AM – 6:00PM. The Traffic Division of the Municipal Government is mandated to lead in the implementation.

Section 8. Suspension of One Way Streets – The suspension of one-way streets during market day and local festivals shall be determined by the Municipal Mayor taking into consideration the free flow of traffic and the accessibility of government and financial centers, the church, and the plaza.

Section 9. Exemptions:

- a) The provisions of Section 8 shall not apply to Philippine National Police Vehicles, Bureau of Fire Protection Fire Trucks and vehicles, garbage collection trucks, government utility vehicles, ambulances and other vehicles in cases of emergencies such as the prevention of the commission of crimes, legal arrests and seizures, valid police operations, fires, floods, earthquakes, disasters and extreme actual emergency situations where the protection of life and property are at stake, and funeral procession.

A vehicle pass may be issued by the Municipal Mayor for exemption from the coverage of this ordinance during situations where the services of a motorized vehicle is extremely necessary. The issuance of the pass shall be on a case to case basis and on a limited and specific purpose only.

- b) The implementation of this ordinance shall also be suspended in the months of July, August and September and during inclement weather of the rainy season.

Article II - NO RIGHT TURN / LEFT TURN

Section 10. Vehicles coming from the North proceeding South direction traversing at Old National Road must not turn right at the corner of Bonifacio St. – Old National Road.

Section 11. Vehicles coming from the East proceeding West direction traversing Bauco St. must not turn right at the San Jose St. and Sta. Lucia St.

Section 12. Vehicles coming from the North proceeding South direction traversing San Jose St. must not turn right to Bonifacio St.

Section 13. Vehicles coming from the South proceeding North direction traversing Old national road must not turn left to Bonifacio St. corner Old National Road.

Article III - PEDESTRIAN CROSSING

Section 14. Pedestrian Crossings. There shall be a prescribed pedestrian crossing in the following:

- a) National Road in front of Police Outpost.
- b) Corner of Old National Road – Bonifacio St.

Article IV - PARKING

Section 15. Designated Parking Areas. The following are the designated parking areas for motorized vehicles:

- a) Narvacan Public Market
 1. Tricycles-For-Hire. The following are hereby designated as parking areas within the immediate premises of the Narvacan Public Market.
 - i. In front of Public Market along Old National Road
 - ii. left side of Public Market along Barangay Road
 - iii. left side of People's Center corner of Old National Road –Bonifacio St. up to corner of San Jose St. – Bonifacio St.
 - iv. west of PNB
 - v. in front of UCCP Church provided not obstructing the entrance of the Church
 2. Cars, Jeepneys, Light and Heavy Utility Vehicles, Motorcycles, Tricycles-not-for-hire, bicycles and pedicabs: The following are hereby designated as parking areas within the immediate premises of the Narvacan Public Market:
 - i. The spaces in front of Dela Cuadra Building up to Botica Alta shall be exclusive parking areas for motorcycles.

- ii. East portion of the Old National Road shall be exclusive parking areas for cars, jeepneys, light and heavy utility vehicles.
- iii. Vehicles above four thousand five hundred (4,500) kilograms gross vehicle weight shall only be allowed to park at the back of St. Lucy Parish Church.

Parking fees shall be charged by the Municipality of Narvacan at the Public Market at a rate provided for in the Narvacan Revenue Code.

Section 16. Parking Area for Tourist Buses – There is hereby identified as parking area of the Municipality of Narvacan in front of the Barangay Hall of Sa. Lucia, Narvacan, Ilocos Sur designated for tourist buses, transient cargo vehicles and private vehicles.

Section 17. Regulatory Parking Fee – There is hereby prescribed a regulatory parking fee as provided for in the Narvacan Revenue Code as Amended.

Section 18. Prohibited Parking. No driver shall be allowed to park:

- a) Within an intersection.
- b) On a crosswalk.
- c) Within six (6) meters of the intersection of curb lines.
- d) Within two (2) meters of the driveway entrance to any fire station.
- e) Within three (3) meters of a fire hydrant.
- f) In front of a private driveway.
- g) At any place where official signs have been erected or installed prohibiting parking.
- h) Within four (4) meters of the driveway to any hospital.
- i) Opposite a parked vehicle (double parking).
- j) No parking on the bridge or within fifty (50) meters from the foot of a bridge, over or under or cross the highway.
- k) On a highway in such a manner as to obstruct, or cause the obstruction of, the smooth flow of traffic.
- l) On other places which are officially designated by the Sanggunian as a “No-parking” area.

Section 19. Allowable Parking. The following shall be considered allowable parking provided, however, that temporary stopping a motor vehicle shall be considered as parking within the premises of this code.

- a) Repair of vehicles in any streets shall be allowed for a maximum period of twelve (12) hours.
- b) Whenever a vehicle stops for loading or unloading passenger/s or cargo/es in places, the same is allowed.
- c) Right side single parallel parking shall be allowed for a period no more than one hour, however, there shall be no parking within six (6) meters from every intersection or in front of a private driveway.
- d) Parking on one-way streets shall be on the right side following the traffic flow except for single motorcycles and bicycles which are allowed to park on designated areas on the left side of the street as determined by the traffic division of the Municipal Government and the implementation of this provision shall be from 6:00am to 6:00pm.

Article V - LOADING AND UNLOADING AREAS

Section 20. Designated Loading, Unloading and Parking Areas – The following places are hereby designated as “Loading and Unloading” areas for the below mentioned motor vehicles:

Mini-Buses and Public Utility Jeepneys (PUJ) may load and unload passengers at any point along the national highway except along the Outpost Intersection Zone where “Loading and Unloading” areas shall be designated. “Loading and Unloading” signs shall be properly placed for everyone to see. Stopping *momentarily* for purposes of loading and unloading shall be strictly enforced.

No Public Utility Vehicles mentioned in this section may use the shoulder of the National Highway as their “Parking Area”. The Northwest Parking Area in front of the Narvacan Mall located along the National Highway in Limmansangan, Narvacan, Ilocos Sur shall be designated as the Terminal for the above-type of vehicles to park and wait for passengers.

The right to utilize the parking space at Narvacan Mall shall be governed by a Contract of Lease negotiated by the Narvacan Municipal Mayor with the Lessee/Terminal Operator as provided under Resolution No. 12 passed and approved by the Sangguniang Bayan of Narvacan, Ilocos Sur.

A parking fee shall be reasonably charged by the Bus Terminal Operator for every Public Utility Bus, and Jeepney that shall avail or make use of the terminal space.

Section 21. Parking Fees – The parking fee for Tricycles-for-Hire availing of the facilities of the Narvacan Public Market shall be the rates prescribed by the Narvacan Revenue Code as amended.

Section 22. Loading and Unloading at One Way Streets.

- a) It is hereby prescribed that Tricycles-for-Hire shall load and unload passengers only at the right side portion of any one way street.

Section 23. Unloading shall be allowed at the designated area at the western part of the People’s Center.

- a) No unloading of commercial goods shall be done from 7 o’clock a.m. onward. (Ordinance No. 98-05 Series of 1998)
- b) Unloading of commercial items shall be done from 5:00 a.m. to 7 o’clock a.m. only everyday except Sunday. (Ordinance No. 98-05 Series of 1998)
- c) Cargo and Commercial truck shall park along Damasco Street. (Ordinance No. 98-05 Series of 1998)

Article VI - MOTOR VEHICLE ACCESSORIES

Section 24. The following devices attached to all kind of motor vehicles, used as a means of transport, are hereby prohibited such as:

- a) Sirens, bells, horns, whistles or similar gadgets that emit exceptionally loud or starting sounds;

- b) Dome lights, police and emergency red flashing lights installed on the front or rear and emergency red light blinkers;
- c) Other similar signaling or flashing devices which are inconsistent with sound traffic discipline and control on the roads.

Section 25. Exemption – Vehicles assigned officially to PNP, the Bureau of Fire Protection, Ambulance, Bureau of Jail Management and Penology and other duly authorized law enforcement agencies, security escort of VIP's and garbage trucks. Any illegal device shall be confiscated at the expense of the owner.

Article VII - MANDATING THE RIGHT SIDE PORTION OF STREETS/ROADS TO BE USED FOR FUNERAL PROCESSION

Section 26. Mandatory Provision – It is hereby mandated that all funeral processions traversing streets or roads within the territorial jurisdiction of Narvacan shall use or occupy only the right side portion of the street or road.

Section 27. Responsibilities and Liabilities:

- a) Barangay Officials, Barangay Tanods, and Traffic Enforcers shall have the authority and responsibility in overseeing the strict implementation of this ordinance that only the right side portion of the street shall be used for the funeral procession.
- b) Owner/s, proprietor/s, administrator/s of servicing funeral parlors shall provide a rope to be used as guide in the conduct of funeral processions, and shall be responsible for the acts of their workers, staff or employees to ensure the faithful compliance of this ordinance.

Section 28. Penalty Accrual – Fifty percent (50%) of the penalty paid in violation of this ordinance shall accrue to apprehending officer/s and the fifty percent (50%) shall accrue to the General Fund of the Municipality.

Article VIII - CARGO AND DELIVERY TRUCK BAN

Section 29. There are hereunder imposed provisions regulating the entry of cargo/delivery trucks on streets surrounding the Public Market.

Section 30. Scope and Coverage:

- a) The streets covered are:
 - 1. Old National Road
 - 2. Bonifacio St.
 - 3. Sta. Lucia St.
 - 4. Barangay Road
 - 5. San Jose St. corner Bonifacio St. up to Bauco St.
- b) Vehicles prohibited under the preceding subsections are:
 - 1. Five thousand (5000) kgs. and above gross vehicle weight
 - 2. Eight (8) wheeler trucks and above
 - 3. Trailers attached to tractor heads
 - 4. Trucks with a height of 3.10 meters and above.

- c) All 16-wheeler and up utility vehicles shall be prohibited from entering the municipal and barangay roads of the Municipality of Narvacan, Ilocos Sur so as to protect road networks.(Ordinance No. 01 Series of 2008)

CHAPTER THREE REGULATORY PROVISIONS

Article I - RULES AND REGULATIONS IN THE OPERATION OF MOTORIZED TRICYCLE-FOR-HIRE (MTFH)

Section 31. Rules of Entry – Only Filipino citizens, partnership or corporations seventy percent (70%) the capital of which are owned by Filipino citizens are qualified to operate tricycle-for-hire within the Municipality of Narvacan.

Section 32. Requirements to operate TFH in Narvacan

- a) Presentation of Original Copies of the Valid Land Transportation Office (LTO) Registration and LTO Official Receipt of Registration for the current year, and Insurance Policy;
- b) Barangay Chairman Certification that applicant is a resident of his barangay. Any misrepresentation as to place of residence on the part of the applicant will be a ground for the cancellation of the Mayor's Permit;
- c) Narvacan PNP Station Inspection Certificate indicating compliance of the provisions of this ordinance, including attendance in a seminar on all traffic ordinances and road courtesy as well as public services rules and regulations;
- d) Motorized Tricycles Operator's Permit (MTOP);
- e) Mayor's Permit.

Section 33. Operating System and Procedure for Tricycles-for-Hire

- a) TFH must be equipped with muffler with silencer. Installation of air horns is absolutely prohibited.
- b) TFH operators shall be prohibited to employ drivers without a valid professional driver's license. TFH drivers are not allowed to wear short pants, sleepers/sandals, and sleeveless shirts in operating a tricycle.
- c) The TFH operators and drivers are encouraged to form and operate cooperatives as a way of promoting the welfare and well – being of and to police and impose discipline among members.
- d) No TFH driver is allowed to discriminate against passengers. Any acts of discourtesy against passengers are hereby punishable.
- e) Overloading – No TFH shall be allowed to carry passengers outside of the tricycle passenger cab and more than it is designed for. Only one (1) passenger shall be allowed at the backseat of the TFH driver and other passengers shall be inside the TFH.

- f) Exemption – A tricycle-for-hire driver shall hereby be exempted, in cases of emergency, calamity or other compelling reasons, from the prohibition under Section 31-b of Article II, Chapter Three of this code disallowing the same from wearing short pants, slippers, sandals and sleeveless shirts.
- g) Authority to Issue Franchise – The authority to review, grant and sign Tricycle – for – Hire franchise to applicants shall be vested on the Municipal Mayor through the recommendation of the Committee on Transportation composed of Sangguniang Bayan members.
- h) The annual registration fee of One Hundred pesos (P100.00) shall be the source of the automatic appropriation for the making of stickers, plates, painting of tricycle sidecars, or any other expenditures/requirements for Tricycle-for-Hires (TFHs) in Narvacan.

Section 34. Administrative Systems and Procedure:

- a) Fares
 - 1. The Sangguniang Bayan shall determine, fix and/or prescribe and periodically adjust fares or rates relative to TFH service after public hearing and which shall be in consonance with LTO / DOTC rates.
 - 2. Each existing TFH association shall adopt a Table of Fares to be duly approved by the Sangguniang Bayan after which the same shall be posted prominently at designated Tricycle Parking Terminals as herein prescribed and on the front interior of the tricycle sidecar.
- b) MTOP (Franchise)
 - 1. The MTOP (Franchise) shall be issued by the Municipal Mayor of Narvacan upon due hearing. It shall be valid for two (2) years, renewable for the same period. It may be suspended or cancelled by the Municipal Mayor likewise upon due hearing.
 - 2. No TFH shall be allowed to operate without MTOP. Any change or transfer of MTOP shall require the approval of the Municipal Mayor.
 - 3. The selling of sidecar number is absolutely prohibited.
 - 4. An operator wishing to stop services completely, suspend services for more than one (1) month or sell a TFH, should report in writing such termination, suspension or sale to the Tricycle Division of the Office of the Mayor and to the Sangguniang Bayan through its Committee on Transportation.

Under the aforesaid circumstances, the tricycle operator shall surrender to the Tricycle Regulations Division of the Office of the Mayor, the sidecar number assigned to him/her.

- 5. A filing and service fee for amendment of MTOP shall be in the amount as prescribed in the Narvacan Revenue Code as Amended similar to the fee for the Mayor's Permit and payable to the Municipal treasurer upon filing of the amendment.

6. The following are the requirements in securing a Motorized Tricycle Operator's Permit or MTOP (Franchise):
 - i. Verified petition filed with the Sangguniang Bayan through the Committee on Transportation;
 - ii. Valid Land Transportation Office Registration;
 - iii. Barangay Clearance to be issued by the Barangay Chairman or his duly authorized representative of the place where the applicant resides;
 - iv. Payment of necessary fees as evidenced by official receipts;
 - v. Membership of the operators and drivers in the Social Security System.
 - vi. Certification of the TODA President that the applicant is a registered member of the association.

c) Mayor's Permit

1. The Mayor's Business Permit shall be valid for one (1) year, renewable every second (2nd) to the twentieth (20th) day of January regulation period.
2. Each TFH operator and driver must acquire and possess a copy of this code and observe the contents and provisions hereof.

Section 35. Tricycle-For-Hire Parking Zonification, System and Procedures

- a) All parking, loading and unloading areas by TFH's shall be done in a most orderly manner possible in a single lengthwise line parallel to the street, as outward and as far from the center of the road as possible, always six (6) meters from street corners or as far from the corners as possible, and strict observance of the "No Double Parking" as it is now prescribed;
- b) All parking privileges as herein prescribed on TFH's shall be in a "First Come First Serve Basis."

Section 36. Transitory Provision

- a) Special permits or provisional authorities issued by the Land Transportation Franchising and Regulatory Board (LTFRB) to TFH's shall remain valid until their expiry dates. However, TFH operators may apply for a new MTOP or its amendment an earlier date with the Municipal Mayor of Narvacan.
- b) Without prejudice as to the validity of existing tricycle franchise referred to in the preceding paragraph, tricycle fares shall be adjusted in accordance with the Department of Transportation and Communications (DOTC) guidelines in a manner provided for under Section 32 (a) paragraph 2 hereof.

Section 37. Miscellaneous Provisions. No TFH operators shall arbitrarily increase tricycle fare without first filing a petition before the Sangguniang Bayan of Narvacan which is hereby authorized to render a decision after public hearing.

Article II – COLORUM TRICYCLES-FOR-HIRE

Section 38. Scope and Application – This shall apply to all CTFHs plying within the territorial jurisdiction of Narvacan.

Section 39. Punishable Offense – All owners/operators of tricycles operating as public utility vehicle shall first secure an assigned number from the Municipal Licensing/Franchising Office by paying the corresponding fee prescribed under the existing Local Revenue Code before they can offer their services to the public.

Owners/operators of tricycles for hire shall renew their permits annually and be issued a sticker to be affixed at a designated area in the unit.

Any colorum tricycle-for-hire which is operating in Narvacan shall be a violation of this Article with corresponding penalty as herein prescribed.

Section 40. Complete Inventory and Custodial Provisions – A complete accessories and parts of the impounded sidecar shall be jointly prepared and signed in duplicate copies – one copy each for the Municipal Treasury Office and Police Station – by the CTFH owner or driver and a duly authorized person who shall conduct the inventory, to be duly attested and signed by the Traffic or Duty Officer. The CTFH owner or driver may secure his or her own copy hereof at his or her own expense.

Custody of the impounded sidecar shall be the responsibility of the Police Station and its use shall be absolutely prohibited throughout the impounding period. The same impounded sidecar shall not be returned to the owner/operator unless the provisions of Section 41 of this Article shall have been fully accomplish and the owner/operator not the driver, shall have received the impounded sidecar in writing a copy of which shall be furnished the Police station as evidence thereof.

Section 41. “Private-Not for Hire” – These words must be printed in bold letters “2 ½ x 2” in front of the impounded sidecar as a final prerequisite for its release if not yet covered by a valid government permit and franchise; the same shall be applicable to every tricycle sidecar plying the streets of Narvacan but which is not covered by a valid government permit and franchise to operate as tricycle-for-hire.

Section 42. Authority to Enforce – This shall authorize Barangay Tanods to help enforce this ordinance according to the following:

The Barangay Tanod shall record the violation in the Barangay Logbook and report the same to the Narvacan Police Station about the date, time and place of violation within the Tanod’s territorial jurisdiction and the identifying description of the CTFH such as brand, type, model, color, plate/sidecar numbers, etc.

Subsequently, the Chief of Police, through the chain of command, shall alert and direct all Police Officers of Narvacan to monitor and apprehend the CTFH aforementioned at the earliest opportunity.

Fines and fees to be collected there from shall entitle the Barangay Tanod, a twenty five percent (25%) reward and the Barangay a twenty five percent (25%) share to be received from the Municipal Treasurer and witnessed in writing by the Barangay Chairman or Council Member for the Barangay’s General Fund.

Section 43. Payment of Penalties – All financial transactions hereof shall be undertaken by the Municipal Treasurer's Office in accordance with government accounting and auditing rules and regulations.

Article III – GUIDELINES FOR TRANSFER OF TRICYCLE FRANCHISE

Section 44. There shall be an established guidelines to be adopted regarding the transfer of franchise for tricycle-for-hire issued by the Municipality of Narvacan, plying within its territorial jurisdiction.

Section 45. Before any transfer shall be made, the transferor is required to surrender the body plate number issued in his name to the Sangguniang Bayan Committee on Transportation for the latter to evaluate the qualifications of the would be transferee. The Committee on Transportation shall recommend to the Mayor the cancellation of the franchise issued in the name of the transferor and shall cause the re-issuance of the same in favor of a qualified transferee after hearing.

Section 46. Franchise issued by the Municipality of Narvacan may be granted for transfer only on the following conditions:

- a) The transfer of franchise shall be allowed within the municipality where the franchise has been originally issued.
- b) Transfer for Franchise shall only be allowed after one (1) year of operation.
- c) Required supporting documents shall accompany the duly accomplished application of transfer, which are as follows:
 1. Two (2) copies of Barangay Clearance (current month of application);
 2. Xerox copy of Certificate of Registration and Official Receipt of the motorcycle duly authenticated by the Sangguniang Bayan staff in-charge of processing the application;
 3. Community Tax Certificate for the current year;
 4. Xerox copy of the professional driver's license (restriction code 1);
 5. Latest unexpired copy of the original franchise;
 6. Copy of the Mayor's Permit;
 7. Deed of Sale/Proof of ownership;
 8. Inspection slip duly accomplished by designated Philippine National Police Officer;
 9. Municipal Treasurer's Office Receipt;
 10. Surrender letter from the franchise holder addressed to the Municipal Mayor;
 11. Favorable endorsement from the chairman of the Committee on Transportation about the said transfer;
 12. Clearance issued by the Municipal Mayor
- d) The whole unit (motorcycle and a sidecar) shall go with the franchise to be transferred.
- e) A transfer fee of Two Thousand Pesos (P2,000.00) shall be paid to the Office of the Municipal Treasurer. However, payment of the transfer fee provided herein shall be exempted if the franchise is transferred from the franchisee to his immediate relative on the first civil degree of consanguinity or affinity.
- f) Franchise to be transferred without Mayor's Permit for a given calendar year during the period covered by the franchise issued shall no longer be allowed and deemed cancelled.

- g) No transfer of franchise shall be granted to those with existing franchise or former franchise holders.

Article IV - GUIDELINES FOR THE SUSPENSION, CANCELLATION AND AWARDING OF TRICYCLE FRANCHISE

Section 47. There is herein an established guidelines regarding the suspension, cancellation and awarding of tricycle franchise issued by the Municipal Government of Narvacan plying within its territorial jurisdiction.

Section 48. List of Violations:

- a) No Mayor's Permit
- b) No Driver's License
- c) No Entry (one way)
- d) Over charging of tricycle fares
- e) Refusal or selective of passengers
- f) Dress Code Violation
- g) Overloading
- h) No Loading and Unloading
- i) No entry to specific routes (for non-residents of Narvacan)
- j) Covering of franchise plate number
- k) Non-functioning lights
- l) Illegal Parking
- ~~m)~~ No muffler - SEC. 34 - RA 4136.
- n) Unauthorized devices attached to the tricycle
- o) Other similar violations of traffic rules and regulations and ordinances of Narvacan.

Section 49. Condition in Suspension, Cancellation and Awarding of Franchise. Tricycle Franchise issued by the Municipal Government of Narvacan may be suspended, cancelled and awarded on the following conditions:

- a) Tricycle Franchise will be cancelled if found having three (3) violations in one (1) year.
 - 1. Cancelled Tricycle Franchise holder cannot reapply for a tricycle franchise within a period of one (1) year from the date of cancellation.
 - 2. Cancelled tricycle franchise will be awarded to an applicant preferably to a resident of Narvacan.
 - 3. Failure to renew franchise two (2) months after its expiration will be automatically cancelled.
- b) Cancelled Tricycle Franchise will be awarded to an applicant who is not a holder of any tricycle franchise issued by the Municipal Government of Narvacan. Violations incurred for the year 2003 onwards shall be covered in this Article.

Article V - TRAFFIC RULES AND REGULATIONS SEMINAR

Section 50. Mandatory Seminar. It is hereby required that all persons who own, manage, drive or operate public utility vehicles or delivery trucks found violating ordinances governing traffic rules and regulations within the territorial jurisdiction of Narvacan, to undergo a seminar as maybe prescribed by the concerned agency, before the issuance or renewal of a business permit.

Section 51. Applicability. The provisions of this Article shall apply to all holders of franchises to operate public utility vehicles issued by the Office of the Mayor such as tricycles-for-hire and delivery trucks operating within the territorial jurisdiction of Narvacan whose permits emanate from the Mayor's Office.

Section 52. Responsibility of PNP Traffic Division. It shall be the responsibility of the PNP Traffic Division to direct and prescribe the seminar to be conducted. After such compliance, the Division shall issue a certificate to violators that have attended and satisfactorily completed the prescribed seminar which shall be furnished the Office of the Sangguniang Bayan particularly the Committee on Transportation prior to the issuance or renewal of the business permit.

Section 53. Funding. The Municipal Government shall appropriate annually the necessary funding requirements for the implementation of this Article which shall emanate from the Public Safety Fund of the Annual Development Fund.

Article VI - SCHEDULE OF FARES

Section 54. There is hereby adopted the Schedule of Fares for Tricycles-for-Hire Operating within the territorial jurisdiction of Narvacan, Ilocos Sur from 5:00AM to 8:00PM.

Section 55. Enforcement Regulation and Provisions.

- a) Tricycle drivers operating at night should secure a clearance from the PNP allowing them to operate.
- b) Fare imposition by the tricycle driver is a violation of the foregoing provisions of this ordinance.
- c) A tricycle driver is allowed to fill-up the maximum passenger capacity of the tricycle (4 persons) and charge each passenger with the prescribe fare if the driver is in the designated parking area.

CHAPTER FOUR ADMINISTRATIVE PROVISIONS

Article I - MUNICIPAL TRICYCLE FRANCHISING

Section 56. Powers, Duties and Functions of the Committee on Transportation – The following are the powers, duties and functions of the Committee on Transportation in so far as tricycle franchising is concerned:

- a) Accept and process application for tricycle franchising;
- b) Recommend to the Mayor the grant of "Motorized Tricycle Operators Permit (MTOP) to qualified applicant, subject to the provisions of existing ordinances, rules and regulations on that matter;
- c) Recommend to the Sanggunian the amount of fares or adjusted fare increases, periodically, to be imposed in particular zones or fixed route;
- d) Recommend to the Sanggunian other reasonable fees and related charges in the regulation of tricycle-for-hire, after conducting a public hearing for that purpose;
- e) Promulgate rules and regulations for the proper enforcement of this Article which shall continue to be in full force and effect until revoked or modified by the Sanggunian;

- f) Perform such other duties and functions as maybe hereafter authorized by the Sanggunian;
- g) In relation to Chapter Three, Article IV of this Code, the Mayor shall have the power to cancel tricycle franchise upon the recommendation of the Committee on Transportation; has the power to suspend the tricycle franchise for a period of seven 7 days but not exceeding thirty 30 days.

Article II - REGULATIONS ON THE CONSTRUCTION OF HUMPS OR PLACING PROTUBERANCE ON PUBLIC ROADS

Section 57. Regulated Acts. No person, natural or juridical, shall construct or cause the construction of any kind of humps, or place of any kind of protuberance, on any public road, without first securing a permit therefore from the Mayor thru the Municipal Engineer.

Section 58. Administrative Provisions.

- a) Any person, natural or juridical, desiring to construct humps or place any kind of protuberance on any public road shall file an application for that purpose with the Office of the Municipal Engineer.
- b) Upon receipt of the said application, the Municipal Engineer or his duly authorized representatives shall coordinate with the Officer in Charge of the Traffic Management to discuss the merits of the application. Thereafter, their joint or individual recommendation shall be submitted to the Mayor.
- c) No permit by the Mayor on this matter shall be issued without the written recommendation of both the Municipal Engineer and the Officer in Charge of the Traffic Management stating therein the fact that the construction of a hump or other kind of protuberance in a particular public road will not obstruct the smooth flow of traffic or will not pose a hazard to pedestrians.
- d) The Municipal Engineer shall evaluate all existing humps or protuberance and shall make a proper recommendation for the demolition if found to be violative of the provisions in this article, otherwise the person who cause the construction thereof must comply with (a), (b), and (c) of this section.

Section 59. Rules and Regulations:

- a) The Municipal Engineer shall determine the appropriate specification as to the thickness, width and length of the hump or protuberance to be placed or constructed.
- b) The Municipal Engineer is hereby authorized to alter, modify or demolish the existing humps or protuberance on any barangay roads to conform to the necessary specification prescribed by his office.
- c) The Municipal Engineer and the Officer in Charge of the Traffic Management shall issue the necessary additional rules and regulations or implementing guidelines for the effective enforcement of this Article.

Artifice III - AUHORITY OF LOCAL TRAFFIC ENFORCEMENT PERSONNEL

Section 60. Implementation of Narvacan Traffic and Transportation Code. This Code shall be implemented or enforced by the Public Safety Division and PNP Traffic Management Division of the Municipality.

The Chief of the Traffic Management Bureau or Traffic Management Division or Section of the PNP is hereby authorized to issue the necessary implementing rules and regulations for the proper implementation of this Code which shall become an integral part of this Code and shall have the same force and effect until they are modified or rescinded by the Sanggunian.

The Narvacan Traffic Aides are hereby deputized to issue Citation Tickets to violators of the provisions of this Code regulating traffic in Narvacan.

CHAPTER FIVE MISCELLANEOUS TRAFFIC PROVISIONS

Article I - OTHER TRAFFIC RULES

Section 61. Right of Way for PNP and Emergency Vehicles – Upon the approach of any police or fire department vehicles, or of an ambulance giving audible signal, the driver of every vehicle shall immediately drive the same to a position as near as possible and parallel to the right-hand edge of the roads, clear of any intersection of roads, and shall stop and remain in such position unless directed by a peace officer, or until such vehicle shall have passed.

Section 62. Hitching to a Vehicle – No person shall be allowed to hand or ride on, the outside rear of any vehicle. The prohibition shall also cover person on bicycle, roller skate or other similar device who shall hold fast to or hitch on o any moving vehicle, including drivers who shall knowingly permit any person to hang on, to ride on, the outside or rear end of his vehicle or allow any person on a bicycle, roller skate or other similar device to hold fast or hitch to his vehicle.

Section 63. Driving or Parking on a Sidewalk – No personal shall drive or park a motor vehicle upon or along any sidewalk path or alley not intended for a vehicular traffic or parking.

Section 64. Driving Vehicle on Influence of Liquor – No person shall drive a motor vehicle while under the influence of liquor or any prohibited drugs defined by special laws.

Section 65. Duty of Driver in Case of Accident – In the event that any accident should occur as a result of the operation of a motor vehicle upon a road, the driver of that vehicle shall stop immediately, and if requested by any person in authority present, shall show his driver's license, give his true name and address and also the true name and address of the driver of the owner of the motor vehicle.

No driver of a motor vehicle concerned in a vehicular accident shall leave the scene of the accident without aiding the victim, except under any of the following circumstances:

1. Whenever he is in imminent danger of being seriously harmed by any person or persons by reason of the accident;
2. Whenever he reports the accident to the nearest police station or any public officer in charge of the enforcement and maintenance of peace and order;
3. Whenever he has to summon a physician or nurse to aid the victim.

Section 66. Prohibition of kuligligns and tractors. All kuligligns and tractors shall be prohibited to travel along the national highway to prevent vehicular accidents causing deaths, injuries, and destruction to properties of the people.(Ordinance No. 01, S. 2009)

Section 67. Minors with driving licenses issued by the LTO shall not be allowed to drive their motor bikes beyond ten o'clock in the evening.

Section 68. Helmets. The use of helmet by motor bikers is prohibited within the territorial jurisdiction of Narvacan, except driving along the national highway which is governed by national law. This provision is prompted due to the multiple killings committed by gun-for-hire criminals in motor bikes wearing helmets to avoid identification not only in Narvacan but in the whole province of Ilocos Sur.

CHAPTER SIX FINAL PROVISIONS

ARTICLE I - GENERAL PENAL PROVISIONS

Section 69. Penalties

- a) For violation of any of the provisions stated in Chapter Two Article I to Article V, there is hereby imposed a penalty as follows:

First Offense	- Five Hundred Pesos (P 500.00).
Second Offense	- Seven Hundred Fifty Pesos (P750.00)
Third Offense	- One Thousand Pesos (P1,000.00) and cancellation of the Mayor's permit;
- b) For violation of the provisions stated in Chapter Two Article VI, there is hereby imposed a penalty of fine of Five Hundred Pesos (P500.00) and confiscation of the prohibited devices attached to the motor vehicle at the expense of the owner;
- c) For Violation of the provisions stated in Chapter Two Article VII, there is hereby imposed a penalty of fine of One Hundred Fifty pesos (P 150.00) and shall bear the towing cost of not more than One Thousand pesos (P1,000.00);
- d) For violation of the provisions stated in Chapter Two Article VIII, there is hereby imposed a penalty of fine of not less than P2,500.00 or an imprisonment of not less than five (5) days, or both, at the discretion of the Court;
- e) For Violation of the provisions stated in Chapter Three Article I, there is hereby imposed a penalty of fine of not less than P1,500.00 but not more than P2,500.00 or an imprisonment of not less than five (5) days, or both, at the discretion of the Court;

- f) For Violation of the provisions stated in Chapter Three Article II, there is hereby imposed a penalty as follows:

Impounding of the sidecar for an indefinite period until all government requirements for a tricycle-for-hire shall have been completed and the penalty have been paid. Provided, however, that in case the limitations on the number of TFHs shall no longer allow such CTFH to be granted a permit and a franchise, the owner/operator shall sign and submit a duly notarized affidavit indicating a pledge that the same owner-violator shall cease and desist from operating any CTFH, unless otherwise granted with government permit and franchise here for at some future date and opportunity and within the limits prescribed by the ordinances aforementioned.

A minimum impounding period with corresponding fees shall be meted according to the following:

	Impounding Period Not less than	Impounding Fee Not more than
First Offense	5 days	P 250.00
Second Offense	10 days	500.00
Third Offense	15 days	750.00

- g) For Violation of the provisions stated in Chapter Three Article III and Article IV, there is hereby imposed a penalty of Five Hundred pesos (P500.00);
- h) For Violation of the provisions stated in Chapter Four Article II, there is hereby imposed a penalty of One Thousand pesos (P1,000.00);
- i) For Violation of the provisions stated in Chapter Five, there is hereby imposed a penalty of Five Hundred pesos (P500.00).
- j) For Violation of the provisions stated in Chapter 3, Article I, Section 34, Sub-Section C, there is hereby imposed a surcharges of 25% of the amount of fee not paid in time, plus 2% per month from the date it is due until it is fully paid.

If the violation is committed by any juridical entity, the President, General Manager, or any person entrusted with the administration thereof at the time of the commission of the offense shall be held responsible or liable thereof.

Section 70. Imposition of Penalty. Any person who commits an offense which is punishable under the provisions of this Article but not punishable under RA 4136, as amended, shall be penalized only under the provisions hereof. If the offense committed is punishable both under the provisions of this Article and that R.A. 4136, as amended, it shall be prosecuted only under either but not in both, otherwise the offender will be twice put in jeopardy of punishment for the same offense which is prohibited under Section 21, Article III of the Philippine Constitution.

Section 71. Penalty for Other Offenses – The conviction of any person for any offense under this Chapter shall not bar his prosecution for any other offenses which may have been committed by such person concurrently with the commission of the offense for which he was convicted or in doing the act or series of acts which constituted for which he was convicted.

Section 72. Voluntary Payment of Administrative Fine. Any person caught violating any of the provisions of this Code may voluntarily pay at the Treasurer's Office, the

administrative fine as provided for in Section 85 of this Code in settlement of the penalty for the corresponding violation, provided that the conditions hereunder stated are complied with:

1. the offense committed does not involve fraud;
2. the payment of the penalty of fine shall not relieve the offender from the payment of the corresponding tax, fee or charge due from him as provided under existing tax ordinance;
3. no other third party shall be adversely affected by the voluntary payment of fine.

Article II - SEPARABILITY, APPLICABILITY, REPEALING AND EFFECTIVITY CLAUSES

Section 73. Separability Clause. Whenever for any reason, any provisions, section or part of this code is declared not valid by a Court of competent jurisdiction or suspended or revoked by the authorities concerned, such judgment shall not affect or impair the remaining provisions, sections or parts which shall continue to be in full force and effect.

Section 74. Applicability Clause. All other related matters not specifically provided in this code shall be governed by the pertinent provisions of existing applicable laws or ordinances.

This Traffic Code shall be applied only to violation of traffic rules and regulations committed while driving on the provincial and municipal roads within the territorial jurisdiction of the municipality. For violation of traffic rules and regulations while driving on a national road the provision of RA 4136 or DOTC Department Order No. 93-693 being implemented since June 01, 1994 shall be applied, as the case may be.

Section 75. Repealing Clause. All existing ordinances, rules and regulations, or portions thereof found inconsistent with the Transportation Code are hereby repealed.


Section 76. Effectivity. This Code shall take effect immediately.

ENACTED ON this 1st day of August 2011.


Certified Correct:


MARIBEL C. CORRALES
Sangguniang Bayan Secretary

Attest:

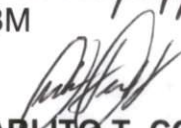

CHARITO S. ZARAGOZA
Vice Mayor/Presiding Officer

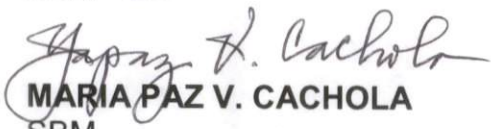
CONFORME:



TERESITO C. VALERA, SR.
SBM



AVEL VERNEY C. ZARAGOZA
SBM


MA. LOURDES V. VILORIA
SBM


CARLITO T. CORRALES
SBM


MARIA PAZ V. CACHOLA
SBM


THELMA C. COPIOZO
SBM


ELISEO D. CABRADILLA
SBM

BENEDIX "BX" L. DELA CUADRA
SBM


REYNALDO P. CANTO
ABC President

JAYSON BENEDICT A. CABUENA
SKF President

Approved:


ZURIEL S. ZARAGOZA
Municipal Mayor