

- ii. Documents attesting the applicant's and the driver's citizenship and age such as the birth certificate, voter's affidavit, voter's ID, and similar documents, *Provided*, that no person below sixteen (16) years of age shall be allowed to drive or operate a pedicab within the Municipality;
- iii. Certificate of the Barangay Captain of the Barangay the applicant is a resident of that the latter is a bona-fide resident of his barangay and as to good moral character of the operator or driver;
- iv. Police clearance for the driver, the operator or the owner;
- v. Medical Certificate from a physician that the driver is in good medical condition and is fit to drive a pedicab;

**Section 58. Routes, terminals and areas of operation -**

- a) Only pedicabs duly registered with the TPFRC shall be allowed to utilize the streets in the Municipality and the terminals designated for the same by the Municipal Mayor.
- b) Pedicabs shall only be allowed to use secondary or feeder roads.
- c) Pedicabs shall not be allowed to use or traverse national and provincial roads

**Section 59. Private pedicabs.** - Private pedicabs and operating not for hire are allowed to traverse all secondary roads and streets except national and provincial roads.

**Section 60. Pedicab Registration fees.** - Pedicab operators shall pay the following fees upon registration:

- a) Pedicab for hire:
  - i. Franchise Fee - P50.00 per unit per annum payable on anniversary date;
  - ii. Mayor's Permit fee - FIFTY PESOS (P50.00) per unit per annum payable on anniversary date;
  - iii. Pedicab Registration Plate - TWO HUNDRED FIFTY (P250.00) per unit;
  - iv. Annual Sticker - FIFTY PESOS (P50.00) per unit per annum;
  - v. Driver's ID - FIFTY PESOS (P50.00) per annum
  - vi. Medical fee - FIFTY PESOS (P50.00) per annum

b) Private pedicabs:

- i. Pedicab registration plate – TWO HUNDRED FIFTY PESOS (P250.00), and
- ii. Annual sticker – FIFTY PESOS (P50.00) per annum

**Section 61. Surcharge for late renewal of expired franchise.** - A surcharge of twenty five per cent (25%) of the franchise fee shall be collected from the operators with expired franchises who will apply for renewal.

**Section. 62. Penalties.** - Violators of the provision of this Chapter shall be penalized by a fine of P50.00 for the first offense; P100.00 for the Second offense; P200.00 for the third offense and confiscation and revocation of permit to operate. Computation of the times of offenses shall be within a period of one year.

## **CHAPTER 11 - REGULATION OF BICYCLES**

**Section 63. Bicycle Registration.** - All bicycles owned by residents of Roxas shall be registered with the TPFRC for the issuance of bicycle license plates and upon payment of the amount of TWO HUNDRED FIFTY PESOS (P250.00) and an annual sticker fee of FIFTY PESOS (P50.00). For failure to apply for registration, violators shall be meted a fine of P50.00 for the first offense, P100.00 for the second offense, and P200.00 for the third offense.

## **CHAPTER 12 - REGULATION OF HORSE DRAWN RIGS AND PUSHCARTS**

**Section 64. Pushcarts.** - All pushcarts shall be registered with the TPFRC upon payment of FORTY PESOS (P40.00) for the license plate and TWENTY PESOS (P20.00) as supervision fee annually. For failure to apply for registration, violators shall be meted a fine of P50.00 for the first offense, P100.00 for the second offense, and P200.00 for the third offense.

## **TITLE FIVE**

### **IMPLEMENTORY PROVISIONS**

## CHAPTER 13 - ENFORCEMENT OF TRAFFIC RULES AND REGULATIONS

**Section 65. Creation of the Traffic Management Office (TMO).** - There is hereby created a Traffic Management Office (TMO) which shall be under the direct supervision of the Office of the Municipal Mayor. The TMO shall primarily be the Office to enforce and implement this Ordinance, Executive Orders issued pursuant to this Ordinance, and such other traffic management plans and programs that may be drawn or prepared as directed by the Municipal Mayor. Specifically, the TMO shall perform the following functions:

- a) Assist in the preparation of traffic management plans and programs and be the primary authority to enforce the same.
- b) Subject to guidelines of the Commission of Audit, order the payment of all fines that are incurred by violators of this Ordinance to the Municipal Treasurer.
- c) Cause and supervise the printing of Traffic Violation Citation Tickets and Violators Receipts (TVCTVR) and their distribution to enforcement agencies and traffic enforcers. The TVCTVR shall be an accountable form and its printing and distribution shall be in accordance with established procedures as set forth by the Commission on Audit.
- d) Take custody of vehicles and articles impounded by virtue of this Ordinance and secure the same in the Municipal Impounding Area until released to their owners or lawful claimants, or otherwise disposed of in accordance with this Ordinance.
- e) Cause the preparation and installation of appropriate traffic signs and install, maintain and operate all traffic signal lights in the Municipality in coordination with the PNP Municipal Station, LTO, and other concerned agencies.
- f) Through the Traffic Auxiliaries, apprehend and issue the TVCTVR to all violators of this ordinance. In the performance of their functions, traffic auxiliaries shall be under the operational and direct control and supervision of the Office of the Mayor. They shall closely coordinate and work with the traffic division of the Roxas PNP while conducting traffic along the main thoroughfares.
- g) Tow all illegally-parked vehicles or cause the removal of any obstruction on sidewalks, alleys and main thoroughfares which are in violation of this Ordinance. In the event that no one admits ownership of any object or thing found impeding vehicular or pedestrian traffic, take possession of

the same for storage in the Municipal Impounding Area for later disposition.

- h) In coordination with the TPFRC, apprehend or issue TVCTVR to drivers, owners, or operators of motorized tricycles, pedicabs, and bicycle found violating any provisions of this Ordinance.

**Section 66. Traffic Auxiliaries.** - Traffic Auxiliaries shall be appointed by the Municipal Mayor on a contractual basis. The number of auxiliaries and the duration of the contract shall be determined from time to time by the Municipal Mayor. The Municipal Mayor may deputize any Municipal Government Official or employee to act as traffic auxiliaries. The appointed or designated traffic auxiliaries shall be tasked with the enforcement of all traffic rules and regulations and the enforcement of this Ordinance within the territorial jurisdiction of the municipality. They shall have the power to apprehend any violators of this Ordinance and shall assist the Philippine National Police in the conduct of investigations in vehicular accidents whenever so required.

**Section 67. Uniform of Traffic Auxiliaries.** - In order to provide a distinction between traffic auxiliaries and members of the Philippine National Police, the traffic auxiliaries shall wear a uniform distinct from the uniform or attire of the members of the PNP. The determination of the color and type of uniform of traffic auxiliaries shall be left at the discretion of the Mayor; *Provided*, that no change in type, color, or style of uniform shall be allowed for a period of three (3) years, determined from the date the prescribed uniforms were first implemented.

**Section 68. Procedure in the issuance of Traffic Violation Citation Ticket and Violator's Receipt (TVCTVR) to violators of this Ordinance.** - The following procedure shall be observed in the apprehension of any person found violating any provision of this Ordinance:

- a) In case of drivers of motor vehicles, the traffic auxiliary or deputized agent or traffic enforcement officer of the Philippine National Police shall demand presentation of driver's license and registration of motor vehicle. The apprehending officer shall then indicate the name and address of the driver, the driver's license number, the issuing agency of the driver's license, name and address of the registered owner of the motor vehicle, the registering agency of the motor vehicle, and the certificate of registration number of the vehicle in the Traffic Violation Citation Ticket and Violator's Receipt (TVCTVR). In case of drivers or operators of pedicabs, the franchise and/or permit shall instead be demanded. The apprehending officer shall indicate the provision violated and furnish copy of the TVCTVR to the person apprehended.
- b) In case of business establishments or any person found violating the provisions on traffic obstructions, the apprehending officer shall demand the presentation of Mayor's Permit, or in case of construction, the

Building Permit, and indicate the name and address of the owner and the corresponding Mayor's or Building Permit Number, the particular provision violated, and furnish a copy of the TVCTVR to the person apprehended. If the owner of the establishment is a juridical person, the name of the responsible officer shall likewise be indicated in the TVCTVR. In the event, however, that the person found violating the provisions on traffic obstructions is not engaged in any occupation or business requiring a permit, his name and correct address shall be ascertained and indicated in the TVCTVR.

- c) In all cases when the person found violating any other provisions of this Ordinance has no driver's license or permit, his name and correct address shall be indicated in the TVCTVR in accordance with the above procedures.
- d) In case of pedestrians found violating this Ordinance, they shall be taken to the Traffic Management Office which shall institute the appropriate steps for payment of the fine to the Municipal Treasurer's Office. In the event of inability to pay the fine or that the person decides to contest his apprehension, the TMO shall immediately file the corresponding complaint before the Office of the Municipal Trial Court of Roxas.

**Section 69. Effect of failure to comply within the period specified in the TVCTVR -**

Persons apprehended and issued TVCTVR shall appear before the Traffic Management Office for appropriate disposition within the period specified in said TVCTVR. Their failure to appear will be construed as waiver of their right to contest the citation and the appropriate charges for violation of this Ordinance shall be filed before the Municipal Trial Court of Roxas.

**Section 70. Other administrative remedies for enforcement. -** Aside from the filing of the appropriate action before the Municipal Trial Court, the following administrative remedies for enforcement shall be undertaken.

- a) In driver-related violations - The Office of the Municipal Mayor, through the TMO, shall communicate with the Agency of the Land Transportation Office which issued the driver's license and request that the renewal of the driver's license be held in abeyance until the appropriate fines and surcharges have been paid and clearance secured from the Office of the Mayor. It shall likewise be communicated with the registering agency of the motor vehicle concerned with a request for the holding in abeyance of vehicle stickers of registration until the appropriate fines and surcharges have been paid and clearance secured from the Office of the Mayor. In case the offending driver is using a motorized tricycle or pedicab operating in the Municipality, renewal of the permit to operate shall be held in abeyance until payment of the appropriate fines and surcharges and clearance is issued by the Office of the Mayor.

- b) In establishment-oriented violations and other violations, the TMO shall immediately request for cancellation of the permit and the issuance of closure order from the Municipal Mayor. In the event that the owner of the thing or object causing the obstruction on the sidewalk or streets could not be determined, the TMO shall cause its removal and said thing or object shall be stored at the Impounding Area.

**Section 71. Surcharges on unpaid fines.** - The following surcharges for fines that remain unpaid by the violators shall be paid upon the expiration of the period fixed hereinafter:

- a) In driver-related violations. - The appropriate fine shall be paid within five working (5) days from the date of issuance of the TVCTVR. In the event of failure to pay the prescribed fine, an additional surcharge of TEN PESOS (P10.00) for each day of delay or failure to pay the appropriate fine is hereby imposed until the full amount of fine and surcharge is paid.
- b) In establishment-related and other violations - The appropriate fine shall be paid within five working (5) days from the date of issuance of the TVCTVR, and in the event of failure to pay the appropriate fine, the additional surcharge of FIFTY PESOS (P50.00) for each day of delay or failure to pay the fine is hereby imposed.

**Section 72. Establishment of Special Account.** - There is hereby created a special account in the General Fund of the Municipality wherein all receipts from franchising, supervisory, regulatory fees, fines, and surcharges as herein set forth in this Ordinance, including all expenditures and transfers shall be rendered thereunder. In the application of proceeds, provisions shall be made for the cost of printing of parking tickets, TVCTVRs, traffic signs and signals, license plates, registration stickers, pedestrian waiting stations, crosswalk markings, uniform, salaries and allowances of contractual employees including traffic auxiliaries and parking aides and similar incidental expenses for the effective implementation of traffic management and public safety. Any excess shall form part of the General Fund.

## TITLE SIX

### MISCELLANEOUS AND FINAL PROVISIONS

**Section 73. Mandatory review every five years.** - The Sangguniang Bayan shall undertake a mandatory review of this Ordinance at least once every five (5) years and as often as it may deem necessary, with the primary objective of providing a more responsive traffic management system taking into consideration the ever changing traffic condition in the Municipality.

**Section 74. Transitory Provision.** - All business establishments adversely affected by this ordinance shall be given the period of four (4) months after the date of effectivity of this Ordinance within which to comply with all the provisions herein.

**Section 75. Repealing Clause.** - All other ordinances, executive orders or regulations inconsistent herewith are hereby repealed or modified accordingly.

**Section 76. Separability Clause** - If, for any reason or reasons, any part or provision of this Ordinance shall be held to be invalid or unconstitutional, other parts or provisions hereof which are not affected thereby shall continue to be in full force and effect.

**Section 77. Effectivity Clause.** - This Resolution/Ordinance shall take effect upon approval and after its complete publication once in at least one (1) newspaper of general circulation within the Municipality. The Secretary of the Sanggunian shall likewise cause the dissemination of the salient provisions of this Ordinance to the general public immediately upon approval hereof.

On motion of Councilor Napoleon M. Dimapilis duly seconded by all members.

Adopted : 18 February 2008

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CERTIFIED CORRECT:

(SGD.) FERDINAND V. TALENS, MPA  
Secretary to the Sangguniang Bayan

ATTESTED:

(SGD ) AGUSTIN L. CUSI  
Acting Municipal Vice Mayor

APPROVED:

(SGD.) VIOLETA L. DIMAPILIS  
Acting Municipal Mayor