



Republic of the Philippines  
PROVINCE OF NEGROS ORIENTAL  
City of Bayawan  
*Office of the Sangguniang Panlungsod*

EXCERPT FROM THE MINUTES OF THE REGULAR SESSION HELD BY THE CITY COUNCIL OF BAYAWAN, NEGROS ORIENTAL ON SEPTEMBER 27, 2021 AT 2 PM AT THE LEGISLATIVE BUILDING GOVERNMENT CENTER.

RECORD OF ATTENDANCE

HON. HENRY E. CARREON, JR.	Vice Mayor & Presiding Officer	Present
HON. NICO ANGELO L. LIM		Present
HON. MERLITA R. GAUDIEL		Present
HON. RUSMAR IAN D. TIJING		Present
HON. LUIS J. SUMALPONG		Present
HON. JONAS M. TRIAS		Present
HON. NARCISO N. CASIPONG		Present
HON. ROLANDO B. ABRASALDO		On Leave
HON. FELIPE O. SANTIAGO, JR.		Present
HON. SEVERINO SALVADOR M. CAPULSO	(LNMB Vice President)	On Leave
HON. TRISTAN GOLD T. TORRILLO	(SK Federated President)	Present

RESOLUTION NO. 574

**“WHEREAS**, Section 16 of the Local Government Code or Republic Act No. 7160, also known as the General Welfare Clause provides in part that every local government unit shall exercise powers necessary for its efficient and effective governance and those which are essentials to the promotion of general welfare;

**“WHEREAS**, the Local Government Unit of Bayawan City is fully committed to the safety of lives and properties of its constituents and visitors that it has installed state of the art Closed Circuit Television (CCTV) Surveillance System in the city streets and highways;

**“WHEREAS**, transportation and traffic management is a vital function of the city government in as much as it defines the general organization of all motor vehicles utilizing Local Government Unit of Bayawan City roads in consonance with national traffic laws, rules and regulations, ordinances and such other transport policies being carried out by concerned agencies;

**“WHEREAS**, through the years, from the passage of the Traffic Code of the then Municipality of Bayawan, Negros Oriental in 1995, major infrastructure projects in Bayawan City have developed. Hence, enacting the Transportation and Traffic Management Code of the Local Government Unit of Bayawan is imperative to align with the present situation of the city and its future development;

**“WHEREFORE**, on motion of Hon. Jonas M. Trias duly seconded by Hon. Rusmar D. Tijing, the Council

**“RESOLVED**, To enact, as it hereby enacts the following ordinance:

**ORDINANCE NO. 32**

**AN ORDINANCE ENACTING THE  
TRANSPORTATION AND TRAFFIC MANAGEMENT  
CODE OF LGU - BAYAWAN CITY**

Be it ordained by the Sangguniang Panlungsod of the City of Bayawan, in regular assembly that:

**ARTICLE I**  
**PRELIMINARY PROVISIONS**

**Section 1. TITLE**

This Ordinance shall be known as, "THE TRANSPORTATION and TRAFFIC MANAGEMENT CODE OF LOCAL GOVERNMENT UNIT OF BAYAWAN CITY."

**Section 2. SCOPE AND COVERAGE**

This Ordinance provides for the traffic rules and regulations on all roads within Local Government Unit of Bayawan, regardless of classification and shall apply to all pedestrians, road users and vehicles of such roads, whether motorized, electric, or non-motorized including animal drawn and muscle propelled, and such other rules and regulations herein promulgated in furtherance to transport and traffic management.

**Section 3. DECLARATION OF POLICY**

Local Government Unit of - Bayawan City recognizes the right of the people to safe urban mobility. Towards this end, the City shall endeavour to:

- a. Provide a safe, efficient, unhampered and orderly flow of people and goods through the City's road network to ensure the economic and social vitality and viability of Bayawan City;
- b. Rationalize the use of urban road spaces recognizing that it is a scarce commodity, the competing use of which must be allocated for the greatest good and the greatest number through equitable, judicious, fair, participatory and informed traffic management system;
- c. Resolve traffic problems and issues in a rational manner, guided by evidence and shaped through consultation, collaboration and coordination with road users and other stakeholders, the surrounding municipalities and cities, as well as national agencies like Department of Public Works and Highways (DPWH), Department of Transportation (DOTr) and Department of Education.

**ARTICLE II**  
**DEFINITIONS**

**Section 1. DEFINITION OF TERMS**

When used in this Code, the terms shall mean;

1. Abandoned Vehicle/s – refers to all motor vehicles purposely and or intently abandoned to escape from apprehension and or any vehicle unattended for more than four (4) hours on a public street or highway and public spaces.
2. Acceleration Lane – refers to a speed lane used for increasing speed and merging with fast moving vehicles.
3. Alleys – refers to narrow streets or passageways.
4. Authorized Maintenance Vehicle – refers to any vehicle duly authorized by the City Government to be used in street lighting, traffic signal, highway construction, repair & maintenance works.
5. Authorized Tow Vehicle – refers to any vehicle specially designed for towing other than trucks and farm or road tractors, which is authorized and accredited by the City.
6. Bicycle – refers to any two-wheeled vehicle propelled solely by human power.
7. Bicycle path or lane – refers to a way established for the exclusive use of muscle propelled bicycles.

8. Built-up area – refers to a type of street normally characterized by relatively low speeds, wide ranges of traffic volumes, narrower lanes, frequent intersections and driveways, significant pedestrian traffic and prevalence of business and houses.
9. Center line – in relation to a thoroughfare, refers to a line or series of lines, mark or other indications at the middle of the thoroughfare, or in the absence of any such line, lines, marks or other indications, the middle of the main travelled portion of the thoroughfare.
10. Citation Ticket – refers to a form issued to person/s violating any provision of this ordinance, notifying the violator of the particular infraction of the ordinance he/she violated and also advises him to settle the penalty at the City Treasurer's Office, City Transportation and Traffic Management Office and other authorized.
11. CTAU – refers to the City Traffic Adjudication Unit under the law enforcement section of the City Transportation and Traffic Management Office of Bayawan City in-charge of the arbitration of protest made by the Traffic Violator or vehicle owner.
12. Crosswalk – often called "Pedestrian Crossing" is a place designated for pedestrians to safely cross across the flow of vehicular traffic on a road, street or avenue.
13. Channelized intersection – an intersection provided with island meant to guide and limit vehicle movements.
14. Clearway – a length of carriageway generally defined by signs, along which vehicles may not stop or be left standing at times of the day as provided on the signs.
15. Deceleration lane – a speed change lane used for decreasing speed, preparatory to stopping, merging or exiting a fast lane.
16. Decibel (Db) – is defined as a unit of measure / expressing the relative intensity of sounds on a scale from zero (0) for the average least perceptible sound to about one hundred thirty (130) for the average pain level or as allowed by the national law.
17. Decibel Meter – An instrument to measure the level of sound intensity.
18. Divided Road – a highway or road with separated carriageways for traffic travelling in opposite directions.
19. Driver – is any person having control of the directional and motion power of a vehicle.
20. Driver's License – an official document issued by the Land Transportation Office, often plastic and a size of an Automated Teller Machine (ATM) card, permitting a specific individual to drive one or more types of vehicle depending on the type of license issued (Professional/Non-Professional) and the license restriction indicated thereto.
21. Electric Bicycle – also known as e-bike, power bike or booster bike, is a bicycle with an integrated electric motor which can be used for propulsion.
22. Enforcer – a person hired and authorized to enforce traffic rules and ordinances.
23. e-Pot – a public conveyance composed of a bicycle (human propelled) fitted with a single wheeled sidecar operated to transport passengers / goods for private use (without a fee) or for public use with a fee and with a design prescribed by the City Transportation and Traffic Management Office or to be used privately.
24. Emergency Vehicles – any vehicle used in responding to emergencies, calamities, fire, public disturbances, life-saving purposes and such vehicles may include fire trucks, ambulances, military and police cars.
25. Franchise – refers to a special privilege conferred by the City Government to an individual or corporation which does not belong to the citizens by common right.
26. Footway – (commonly known as sidewalk) is that portion of the road set aside for pedestrian use only.
27. Garage – Any building or space which is kept ready for hire to the public for motor vehicle parking, but shall not include footways and street lands.
28. Helmet – Refers to any protective covering of the head in accordance to the national safety rules and standards.

29. High Beam – means a beam of light, projected from vehicle headlights such that the main bright portion of the beam thereof rises above the horizontal plane passing through the lamp center parallel to the road level upon which the vehicle stands.
30. Horn – includes any or every device for signaling by sound.
31. Illegally Parked Vehicle/s - refers to vehicle/s parked in any road side being restricted from parking.
32. Intersection – the places at which two or more roads cross
33. Jaywalking – refers to the act of crossing the street, thoroughfares or highways outside the designated cross-walk or marked pedestrian lane or walking inside the designated cross-walk or marked pedestrian lane but in disregard of traffic signs and signals. This also includes walking along or outside of footways or sidewalks along city streets or highways which hinders or obstruct the free flow of traffic.
34. Junction Box – the portion of the intersection marked with yellow lines that should be kept clear of vehicles at all times.
35. Laned Thoroughfare – means a thoroughfare is divided into two or more marked lanes for vehicular traffic.
36. Low Beam – means a beam of light projected from vehicle headlights such that none of the main bright portion of the beams thereof rises above a horizontal plane passing through the lamp centers parallel to the road level upon which the vehicle stands.
37. Marked Crosswalk – means a portion of a thoroughfare between two parallel lines marked across the thoroughfare, intended for use of pedestrian.
38. Merging – the converging of separate streams of traffic into a single stream.
39. Motor Vehicle – refers to a transportation vehicle powered or propelled by a motorized engine or electric power but not through muscular power.  
A trailer is also considered a motor vehicle without a power rating, classified as light, medium and heavy.
40. Motor Vehicle Registration Alert System (MVRAS) – is a system wherein the City Government of Bayawan City will be link up with the Land Transportation Office (LTO) to access the said agency's database of information of vehicles captured through No Contact Apprehension Policy (NCAP).
41. Motorized Tricycle Operator's Permit (MTOPO) – is a document granting a license to operate, issued to a person, natural or juridical, allowing him/it to operate tricycle-for-hire over a particular zone specified therein.
42. Motorized Tricycle – refers to a motorcycle fitted with a wheeled sidecar unit, operated by virtue of a Motorized Tricycle Operator's Permit (MTOPO) to render services to the general public for a fee.
43. Muffler – refers to a spare part attached to the exhaust system of a gasoline/diesel fed engine of a motor vehicle to suppress excessive noise, as well as lessen smoke exhaust caused by engine combustion.
44. Notice of Violation Receipt (NOVR) – a notice given to the registered owner of the vehicle that has committed a traffic regulation violation/s.
45. No Contact Apprehension Policy (NCAP) – refers to the systematic program whereby the City shall apprehend traffic violators through Safety Cameras.
46. No Loading / Unloading Area – refers to any side of the road being restricted from loading and unloading cargoes or passengers as indicated by appropriate signs.
47. No Parking Area – refers to any side of the road being restricted from parking of any kind of vehicle as indicated by appropriate signs.
48. No Standing Area – refers to any side of the road being restricted from any kind of vehicle waiting for passenger/s to aboard or loading & unloading cargoes as indicated by appropriate signs.
49. No Stopping Sign – means no dropping of people or picking them up, and no loading / unloading of cargoes by private or public utility vehicle.

50. One-Way thoroughfare – means a thoroughfare on which vehicles are permitted to travel in one direction only, as indicated by appropriate signs or signals.
51. Overtake – to pass or attempt to go past or pass a slower moving vehicle travelling in the same direction.
52. Parked – a vehicle is said to be parked if it is stationary for the period during which the vehicle is not limited to the time needed to pick up or set down persons or goods.
53. Parking Area – means a designated portion of the thoroughfare where parking is allowed as indicated by appropriate notices of parking signs.
54. Pedestrian – any person on foot or in perambulator/wheelchair.
55. “PotPot” – a public conveyance composed of a bicycle (human propelled) fitted with a single wheeled sidecar operated to transport passengers / goods for private use (without a fee) or for public use with a fee and with a design prescribed by the City Transportation and Traffic Management Office or to be used privately.
56. Public Place – any place where the public have access, upon payment or otherwise.
57. Public Utility Vehicles – refers to all types of vehicles (motorized, electric, or muscle propelled) offering service to the public for a fee, or vehicles provided with franchise issued by the proper Government Offices.
58. Public Utility Tricycle – refers to a motorcycle fitted with a wheeled sidecar unit granted franchise by the Sangguniang Panlungsod to operate and transport passenger and or goods within Bayawan City.
59. Reckless Driving – the act of operating a vehicle without reasonable caution considering the width, traffic grades, crossing, curvatures, visibility, and other conditions of the road and the conditions of the atmosphere and weather, or so as to endanger the property or the safety or rights of any person, or so as to cause excessive or unreasonable damage to the road.
60. Reflectorized Stickers – refers to any adhesive material, decal or metal object or device with a polished surface for reflecting light or provide illumination during night time.
61. Road – sometimes called street or highway, means that part of the land surface designed or used for the passage of vehicles, whether motorized or not, inclusive of sidewalks and shoulders forming part of the right-of-way.
62. Road Marking – any traffic control device laid-out or painted on the surface of the road or carriageway used to regulate traffic or to warn or guide road users, used either alone or in conjunction with other signs or signals to emphasize or clarify their meaning.
63. Roundabout – an intersection where all traffic travels in one direction around a central or circular island.
64. Safety Camera – refers to a Closed Circuit Television (CCTV) Camera installed by the City and operated manually by Closed Circuit Television (CCTV) Operators or automatically by a system software, day and night, and maybe connected and activated to traffic lights to capture images or videos of vehicles, pedestrians or establishments that commits traffic violations.
65. Separation Line – refers to a line marked on the pavement of a thoroughfare to separate traffic travelling in opposite direction.
66. Standing – refers to a vehicle is said to be standing if it is stationary and the engine is on for the time needed to pick up or set down persons or to load or unload goods.
67. Stop Line – refers to a line marked across the thoroughfare near a traffic control signal, stop sign, children’s crossing or intersection.
68. Terminal – means passenger waiting station / area.
69. Thoroughfare – means that portion of a road improved, designed or used for vehicular travel exclusive of the shoulder and footway.
70. Traffic Control Signal – means any device using a word or words, symbol or symbols, a colored light or lights or any combination thereof operated mechanically, electrically, manually or otherwise by means of which traffic may be controlled or regulated.

71. Traffic Discipline Zone – It is an area identified as the start of a densely populated zone along the National Highways within the City where traffic penalties imposed are higher.
72. Traffic Island - a defined area within the roadway, usually at an intersection and set off above ground level, from which traffic is intended to be excluded and which is used to control vehicular movements and as pedestrians.
73. Traffic Violation Covered by No Contact Apprehension Policy (NCAP) – refers to all traffic violations enumerated in this Transportation & Traffic Management Code of Bayawan City series of 2021 and all other existing traffic related Local Ordinances and National Laws in the Philippines captured through the safety cameras operated by Local Government Unit of Bayawan City.
74. Tricycle – refers to any motorized/electric/human propelled three-wheel vehicle operated for the purpose other than serving passengers.
75. Two-Way thoroughfare – refers to any thoroughfare where traffic is permitted in opposite directions.
76. U-turn – refers to a movement which causes a vehicle facing or travelling in one direction to face or travel in the opposite, or substantially the opposite direction.
77. Vehicle – refers to any conveyance or other device propelled or drawn by any means and includes a bicycle and, where the context permits, includes an animal driven or ridden, but does not include a train.
78. Waiting – refers to a vehicle permitted to remain stationary with the motor running.

### **ARTICLE III**

#### **DUTIES AND RESPONSIBILITIES WHILE OPERATING A MOTOR VEHICLE**

##### **Section 1. License, Motor Vehicle Registration and Other Requirements**

- a. Only person with license duly issued by the Land Transportation Office (LTO) shall be allowed to drive a motorized vehicle;
- b. License restriction must correspond to the type of motor vehicle being driven;
- c. Original Driver's license must, at all times, be with or in actual possession of the licensee while driving or operating a motor vehicle;
- d. Only motor vehicles with proper Land Transportation Office (LTO) registration shall be allowed to ply the streets; Motor vehicles license plate number, engine and chassis number, motor vehicle file number and color must correspond with the description on the Certificate of Registration (CR) that must be carried in the vehicle at all times;

##### **Section 2. Student Permit**

No person possessing a student permit shall drive a motor vehicle unless accompanied by a duly licensed driver.

The licensed driver acting as instructor for the student driver shall likewise be responsible and liable for any violation of the provisions of this code and for any injury or damage done by the motor vehicle on account or as a result of its operation by a student driver under his direction.

##### **Section 3. Use, Posting or Display of Fake / Unauthorized ID's, plates, stickers, etc.**

- a. Vehicle registered plates shall be displayed properly on a designated part of the motor vehicle as allowed by the Land Transportation Office.
- b. Only valid and regularly issued ID's, plates, stickers and tags shall be allowed to be displayed or posted properly on a designated part of the motor vehicles.

- c. Use, posting or display of fake identification cards, plates, stickers, etc. particularly those with reference to law enforcement agencies, including tampered, marked, unauthorized and improvised plates, are strictly prohibited.
- d. Improper, inconspicuous and improper display and transfer of plates, and posting of tags and stickers is also prohibited.

**ARTICLE IV**  
**PUBLIC UTILITY VEHICLE OPERATIONS**

**Section 1. Conditions of Operations**

- a. All Public Utility Vehicles must possess a franchise issued by the proper Government Offices or by the City Franchising and Regulatory Board of Local Government Unit of Bayawan City.
- b. Operators of public utility vehicles shall not allow unlicensed person to drive his Public Utility Vehicle (PUV).
- c. Operators shall maintain their vehicle in clean or sanitary condition and equipped and painted with the required signs such as for hire, trade name, operator's name and address, etc.
- d. Public utility vehicles shall ply in their approved routes as stated in their franchise subject to section 3, Article XXI of this Ordinance. Authorized routes must be properly painted on the Public Utility Vehicle (PUV) pursuant to Land Transportation Franchising and Regulatory Board (LTFRB) regulations. Failure or erroneous / improper painting of authorized route shall create a presumption that Public Utility Vehicle (PUV) is not plying on its authorized route or it is out of line.
- e. When plying in any roads of the City, Public Utility Vehicles (PUVs) should carry with it a copy of its franchise / Certificate of Public Conveyance / Provisional Authority / Regulation Permit for presentation to traffic enforcers when demanded for verification;
- f. Public Utility Vehicles (PUVs) shall comply with the color coding, vehicle volume reduction program and similar vehicle volume mitigation programs as may be recommended by the City Transportation and Traffic Management Office (CTTMO);
- g. Fare matrix must be conspicuously displayed in the vehicle;
- h. Public transportation shall have designated seats for disabled persons:
  - 1. Regular buses shall have at least five (5) designated seats for disabled persons near exit/entrance doors;
  - 2. First class, premier, and air-conditioned buses shall have at least (4) designated seats for disabled persons near the door;
  - 3. Jeepneys, UV Express or vehicles for hire shall have at least two (2) seats, preferably the front seats as designated seats for disabled persons;
  - 4. Children below six (6) years old shall not be allowed to occupy the front seat of the bus/jeepney.

**Section 2. Accessories of PUVs**

In addition to the requirements in Article III, Section 1 hereof, Public Utility Vehicles (PUVs) must be equipped with the following proper accessories: clean seat covers, interior lights, etc.

**Section 3. Public Utility Vehicle (PUV) Driver's Obligations, Duties, and Responsibilities**

- a. Drivers of public utility vehicles, including conductors, must be duly licensed and in proper attire / uniform, and at all times extend courtesy to fellow drivers, passengers and help them in the proper use of seatbelts;

- b. Shall not give preference, unjustly discriminate or refuse conveyance for reason of religion, color, race or creed, lowly station in life, etc. He is obligated to transport his passengers safely to his destination, no trip cutting is allowed;
- c. Shall not allow overloading, overcharging of fares nor contract out of line services in violation of the franchise;
- d. Shall make sure that the vehicle has fully stopped on the designated loading / unloading areas before passenger/s disembarks from his/her driven vehicle.
- e. Drivers of Public Utility Vehicles including motorized tricycles and e-Pot are required to post their identification card (I.D) with a 2x2 picture containing the name of the owner/operator and/or driver and their addresses on the windshield or the front portion of their vehicles.

**ARTICLE V**  
**PEDESTRIAN'S RIGHTS AND DUTIES**

**Section 1. Duties and Restrictions of Pedestrian**

A pedestrian:

- a. When in a sidewalk, marked crosswalk, or pedestrian crossing shall keep as close as practicable to the right side;
- b. When crossing a thoroughfare at an intersection shall always keep right;
- c. When crossing thoroughfare or portion thereof, the pedestrian shall take shortest and most direct route.
- d. A person shall not
  - 1. While waiting for a vehicle, stand on any portion of a thoroughfare;
  - 2. Proceed from a footway towards a vehicle that has not fully stopped for the purpose of boarding it;
  - 3. Alight from or board a moving vehicle, or do so at an area where loading and unloading is prohibited;
  - 4. Remain on a pedestrian crossing, or marked cross-walk longer than necessary; so as not to cause delay or obstruct the free passage of any other pedestrian or any vehicle.
  - 5. Cross on any thoroughfare without using the pedestrian lane.

**Section 2. Pedestrian Crossing / Crosswalk**

- a. A driver of a moving vehicle approaching a crosswalk shall travel at such speed that will enable the vehicle to stop before reaching the crosswalk and shall make his vehicle stop.  
A driver of a moving vehicle approaching a cross walk shall not blow his vehicle horn towards the pedestrian/s crossing the thoroughfare.
- b. A driver shall at all times, give way to any pedestrian who is passing on a pedestrian crossing.
- c. In all instances, no driver shall stop his vehicle in a pedestrian lane or junction box.

**Section 3. Pedestrian on Thoroughfare**

- a. A pedestrian proceeding along a thoroughfare shall, when practicable, travel on a thoroughfare used by vehicles travelling in the opposite direction, and shall keep as close as he/she can to the boundary of the thoroughfare on his left.

A pedestrian proceeding along a thoroughfare shall keep as close as he can to the left facing the vehicle traffic.

- b. A pedestrian shall not proceed along a thoroughfare abreast with another pedestrian, except in a procession or parade authorized by the proper authority

## **ARTICLE VI**

### **INSTALLATION AND OPERATION OF TRAFFIC CONTROL SYSTEM**

#### **Section 1. Installation and Interference of Traffic Control Signals and Signs**

- a. The Local Government of Bayawan City shall install Traffic Control Signals and Signs within its territorial jurisdiction.
- b. No person shall install, establish or display on any road or in the view of any person on any road, any traffic sign or item such as "No Parking", "No Loading/Unloading", etc., except when duly authorized by proper authority.
- c. No person shall tear down any traffic sign or item posted by the City Transportation and Traffic Management Office except when duly authorized by proper authority.
- d. No person shall install, establish, place, maintain, or display on any road or in the view of any person on any road anything which purports to be or is an imitation of or similar to any traffic control sign or item, or which interfere with the effectiveness of or prevents an approaching driver from clearly distinguishing the whole or part of any traffic control item, or distracts his attention from any traffic control signs or item.

#### **Section 2. Limits on Operation of Signs**

Any sign associated with a "No Parking Area", "No Waiting Area", or "Parking Area" or any sign of kind shall be limited in its operation and effect in respect of days, periods of the day, classes of vehicles or circumstances to the extent (if any) shown on the sign.

#### **Section 3. Traffic Control Signs to be Operative**

- a. Where any traffic control sign referred to in this article exists on road, it shall be effective and operative as a control system duly established for the purpose under this Code.
- b. Any traffic control which substantially conforms to the requirements of these sections with respect to dimensions, shape, color, position, direction, angle, or any other features of control signs must conform to the established international standards.

#### **Section 4. Use of Sirens, Dazzling Lights and Similar Gadgets**

No private person shall use sirens, horns, whistles, or similar gadgets that emit exceptionally loud or startling sounds, including dome lights and emergency red flashing lights installed in a vehicle, and emergency red light blinkers and other similar devices that can impede and confuse traffic which are inconsistent with sound traffic discipline.

## **ARTICLE VII**

### **OBEDIENCE TO TRAFFIC CONTROL SIGNALS & SIGNS**

#### **Section 1. Obedience to Traffic Control Signals**

- a. Every person shall, at all times, observe and comply with the instructions of any traffic control signal applicable to him.

b. The display by a traffic control signal of:

1. A green LIGHT is an instruction that:

- i. A driver facing the traffic control signal may, subject to the provisions of this Article, proceed straight ahead turn left or turn right, unless a signal at such place prohibits either such turn. Vehicles turning right or left shall give way to any apposing traffic and or pedestrians;
- ii. A green signal and walking man symbol is an instruction that a pedestrian facing the traffic control signal may proceed across the thoroughfare.

2. An amber LIGHT alone is an instruction that:

- i. A driver facing the traffic control signal shall not proceed beyond the stop line, or in the absence of a stop line, the traffic control signal itself, unless his vehicle is so close to the stop line or traffic control signal when the color amber first appears that disallows safe stopping of the vehicle before passing the stop line or traffic control signal;
- ii. A pedestrian facing the traffic control signal shall not obstruct vehicles entering or approaching the intersection.

c. A red light alone is an instruction that:

A driver facing the traffic control signal shall not proceed straight ahead or turn left beyond the stop line or in the absence of a stop line, shall not proceed straight ahead or turn left beyond the traffic control signal itself.

- d. A red square and standing man signal is an instruction that a pedestrian facing the traffic control signal shall not enter upon the thoroughfare.
- e. A green arrow is an instruction that a driver facing the traffic control signal may proceed in the direction indicated by the arrow.
- f. An amber arrow is an instruction that a driver facing the traffic control signal shall not for the purpose of proceeding in the direction indicated by the amber arrow, proceed beyond the stop line or, in the absence of a stop line, shall not enter the intersection at or near which the traffic control signal is erected unless his vehicle is so close to the stop line or the intersection when the amber arrow first appears that disallows safe stopping of the vehicle before passing the stop line or entering the intersection.

## **Section 2. Obedience to Traffic Signs**

Traffic signs installed shall be obeyed by motorists at all times. For purposes of this Article,

- a. A driver shall not cause his vehicle to turn at any intersection contrary to the instructions of the signs installed.
- b. Where a "One Way" or "No Entry" sign is installed over or adjacent to a thoroughfare facing the approaching driver, the driver shall not proceed on that thoroughfare beyond the sign.
- c. Where a "No Overtaking or Passing" signs is installed over or adjacent to a thoroughfare facing the approaching driver, the driver shall not overtake a vehicle travelling the same direction.
- d. A driver shall not"
  1. Overtake a vehicle while passing through a bridge.
  2. Drive a vehicle with a load that exceeds the maximum weight capacity of the bridge.
- e. Where a

1. "Keep Right" sign is installed facing an approaching driver, the driver shall pass the right side of the sign;
2. "Keep Left" sign is installed facing an approaching driver, the driver shall pass the left side of the sign.

### **Section 3. Safety Cameras**

The City shall install Safety Cameras that operates day and night to be connected and activated to traffic lights or manually operated enabling the capture of images or videos of vehicles that commits a traffic violation.

Safety Cameras shall be installed in strategic locations, operates twenty-four (24) hours a day, activated and connected to traffic control signals, and enabled to capture images of vehicles committing violations to this New Traffic Code of Bayawan City and all other existing traffic related Local Ordinances and National Laws in the Philippines.

- a. Safety Cameras shall conform to internationally accepted standards.
- b. A series of photographs and/or video footage showing the Safety Camera violator shall be recorded and admissible as evidence of the violation.
- c. Safety Cameras shall record the license plate, date and time of day, location and other pertinent information of the violation.
- d. In all areas with a Safety Camera, lanes must be clearly and legibly marked.
- e. The registered owner of a vehicle that is recorded by the Safety Camera shall be considered a violator under this section and shall be referred to as Safety Camera Violator.

### **Section 4. Implementation of the No Contact Apprehension Policy (NCAP)**

1. In areas where safety cameras are installed and in operation, a No Contact Apprehension Policy System shall be implemented. A Notice of Violation Receipt shall be sent via registered mail to the registered owner/operator of the traffic violating vehicle.
2. A copy of the photographic evidence shall be attached to the Notice of Violation Receipt (NOVR).
3. Upon receipt of the Notice of Violation Receipt (NOVR), the Safety Camera Violator shall have a period of three (3) working days within which to settle the fine imposed under this Ordinance.
4. The Land Transportation Office shall be alerted of the violations thru the Motor Vehicle Registration Alert System including the Philippine National Police. The Business One Stop Shop (BOSS) of the Local Government Unit of Bayawan City shall also be notified in case of violations committed by "Pot-Pot/e-Pot" or other forms of Motorized Public Utility Vehicles (PUV).
5. Should the Safety Camera Violator considers to contest the violation, for reasons of being not the actual driver and among others, he may file the protest within three (3) working days upon receipt of the Notice of Violation Receipt (NOVR) to the City Transportation and Traffic Management Office on and submit all necessary evidence he/she may wish to present.
6. Renewal of vehicle registration with the Land Transportation Office (LTO), Philippine National Police Local Clearance (PNP - Clearance) or Mayor's Permit (Public Utility Vehicles operator) shall not be permitted unless the safety camera violator settles the fine and penalties being imposed by Bayawan City.

### **Section 5. Fines and Penalties under the No Contact Apprehension Policy (NCAP)**

1. For violating the Transportation and Traffic Management Code of Bayawan City, series of 2021, the driver captured thru the Close Circuit Television (CCTV) Cameras, the Safety Camera Violator shall be fined Three Hundred Pesos (Php 300.00) for each

instance of violation and apprehension except for "Pot-Pot/e-Pot" which shall be fined Fifty Pesos (Php 50.00).

2. The safety camera violator shall undergo a driver re-education seminar prescribed by the City Government of Bayawan. Seminar shall be a pre-requisite prior to payment of Fines and or penalties.
3. Failure to settle the fine within its prescribed settlement period shall entitle the City Government of Bayawan City to impose a monthly penalty of one percent (1%) of the total accumulated penalty until the same is fully paid.

#### **Section 6. Payment of Fines and Penalties**

1. Payment of the fines and penalties for Notice of Violation Receipt (NOVR) shall be paid to the accepted by the City Treasury Office.
2. To provide convenience in paying the fines and penalties of the Notice of Violation Receipt (NOVR) by the Safety Camera Violator, the Sangguniang Panlungsod of Bayawan City shall authorize the City Treasury Office to receive accept over the counter payments thru accredited Banks, Internet Banking, Automated Teller Machine, Mobile Money, Money Remittance Centers and the likes as an alternative mode of receiving payments.

A memorandum of agreement shall be the binding document for this endeavour. The City Legal Office shall prepare the Memorandum of Agreement.

### **ARTICLE VIII GENERAL DRIVING RULES**

#### **Section 1. Keeping as Far Right as Practicable**

Unless otherwise provided for in this Code, a driver must keep his vehicle close to the right; slow moving vehicles should use the rightmost part of the lane to give way for fast moving vehicles.

#### **Section 2. Overtaking / Passing**

The driver of any vehicle overtaking another vehicle proceeding in the same direction shall signal to the vehicle in front of his intention to overtake / pass at a safe distance to the left thereof, and shall not again drive to the right side of the road until safely clear of such overtaken vehicle.

#### **Section 3. Giving Way to Overtaking Vehicles**

The driver of a vehicle being overtaken shall not increase the speed of his vehicle until it has been completely passed by the overtaking vehicle, and shall yield in favour of the overtaking vehicle upon hearing or seeing a warning sound or signal instrument from the overtaking vehicle.

#### **Section 4. Drivers Not to Obstruct Traffic**

No driver of a motor vehicle shall perform any act of obstructing the smooth flow of traffic, including but not limited to the following:

- a. Loading and unloading of passenger/s or cargo/es in places not allowed for that purpose;
- b. Parking a vehicle diagonally on the side of a roadway;
- c. Driving a vehicle too slow or in such other manner as to obstruct, hinder, or prevent the free passage of any person or vehicle;
- d. In a thoroughfare with two (2) or more lanes in the same direction, lane hugging or occupying more than one lane for a length of time shall be considered an obstruction;

- e. Leaving a motor vehicle unattended in the middle of the road or any portion thereof which causes obstruction to the smooth flow of traffic;
- f. Other analogous acts which may cause obstruction to the flow of traffic.

**Section 5. Driving Through Roundabouts or Rotundas**

- a. A driver passing through a traffic roundabout shall drive to the right side of the central traffic island.
- b. In areas where a roundabout is intersected by two or more roads, drivers shall yield to the vehicle/s coming from the road on his left.

**Section 6. Prohibition in Bicycle Lanes and Walkways**

Motor vehicles are prohibited from being driven or parked on any lane of a public street or path reserved exclusively for bicycles. Similarly, walkways intended for pedestrians must remain unobstructed at all times.

**Section 7. Driving in Reserved Lanes**

To encourage efficiency in the use of road space, specific lanes of a major thoroughfare may be reserved for certain types of vehicles such as public utility vehicles and other high-occupancy vehicles. Vehicles not otherwise mentioned in the signs posted therein are prohibited from being driven in those reserved lanes.

**Section 8. Driving Over a Junction Box**

A junction box must always remain unobstructed and open for passage. A moving vehicle must not enter a junction box if it cannot cross and go beyond the boundaries of the box in time before the traffic signal turns to red.

**ARTICLE IX  
SPEED RESTRICTION**

**Section 1. Speed Limits**

- a. No person shall drive a vehicle at a speed exceeding the posted limits for the streets and highways as indicated by numerals on signs.
- b. Maximum Speed Limit for National Highways inside the "Traffic Discipline Zone of Bayawan City" covering the areas from Negros Oriental State University (NORSU), Brgy. Villareal to Banga Iceplant, Brgy. Banga and from Junction, National Highway, Brgy. Poblacion to Canalum Crossing, Brgy. Nangka is 30kph.
- c. Maximum Speed Limit for National Highways outside the "Traffic Discipline Zone of Bayawan City" is 50kph.
- d. Maximum Speed Limit for the streets of Bayawan City is 20kph.
- e. The foregoing provisions of this section shall not apply to the driver of an emergency vehicle.
- f. Safety Camera and speed gun for speed detection may be used as speed detector to identify violator/s.

**ARTICLE X  
TURNING, REVERSING AND STOPPING**

## **Section 1. Right Turns**

A driver who is about to make a right turn at an intersection shall drive, that when it reaches the intersection, it shall be to the right side of any vehicle abreast of his vehicle and travelling in the same direction, or at the rightmost lane of the thoroughfare.

This section shall not apply to a driver whose vehicle is in a marked lane allocated exclusively to the right-turning vehicles.

## **Section 2. Left Turns**

a. A driver who is about to make a left turn at an intersection shall:

1. Where he is travelling on a two-way thoroughfare approach and enter the intersection so that his vehicle is to the right of, parallel to and as near as practicable to the center of the thoroughfare; or
2. Where he is travelling on a one-way thoroughfare approach and enters the intersection so that his vehicle is parallel to and as near as practicable to the left boundary of leftmost lane of the thoroughfare.

However, this sub-section shall not apply if his vehicle is in a marked lane which has a sign alongside or over it or markings on its surface indicating that a left turn must or may be made.

## **Section 3. Turn and Stop Signals**

- a. A driver shall not turn, diverge right or left, stop, suddenly decrease speed or make a U-Turn without giving the appropriate signal at least thirty (30) meters before making a turn, stop or deceleration.
- b. A driver shall give reasonable warning to drivers approaching from behind prior to turning, diverging right or left, stopping, suddenly decreasing speed or make a U-Turn to signal his intent of doing so.
- c. For purposes of and without limiting the generality of paragraph "b." above, a signal shall be deemed reasonable warning if given continuously;
  1. When a vehicle is travelling 30 meters immediately before it commences to turn and during any period when it is stationary before it comes to turn;
  2. When a vehicle is travelling 50 meters immediately before it commences to diverge right or left; or
  3. When the brakes of the vehicle are applied before it stops or while it is slowing down;
- d. Any signal required by this Section shall be given:
  1. In the case of a signal of intention to stop or reduce speed suddenly, by means of stop lamp or red lamps; or
  2. In the case of a signal of intention to turn right or left, diverge right or left to make U-Turn, by means of a flashing orange lamp signaling device.

## **Section 4. Use of Signaling Devices**

A driver shall not permit a signaling device on his vehicle to remain in operation after the completion of the turn or divergence in respect of which the device was put into operation.

## **Section 5. U-Turns**

A driver shall not cause his/her vehicle to make a U-Turn

- a. In any part of a national highway or bridges in Bayawan City.

- b. Where there is a probability of colliding with another vehicle or interfering with the free movement of traffic; or
- c. On any intersection at which traffic control sign or signal prohibits a U-Turn.

**Section 6. Procedures at Channelized Intersection**

When accelerating or decelerating slots are provided for right or left turns at intersection without traffic signals, vehicles shall proceed as follows:

- a. Vehicles intending to turn right into a driveway entrance by means of a right turn accelerating lane shall enter such roadway by means of the accelerating lane so provided, and shall merge with caution into the right hand traffic lane, unless otherwise instructed;
- b. Vehicles intending to turn right from a roadway exit, from which is made by means of a right-turn decelerating lane, shall enter the decelerating lane and merge with caution into the right hand traffic lane, unless otherwise instructed;
- c. Vehicles intending to turn left into the far roadway of a divided highway shall come to a complete stop before crossing the near roadway of such highway and shall merge with caution into the left hand lane of the roadway, unless otherwise instructed;
- d. Vehicles intending to turn left from a divided highway exit, by means of a left turn decelerating lane constructed in the medial strip area, shall enter decelerating land and shall yield the right of way to approaching vehicles before proceeding with caution across the intersection and into the roadway, unless otherwise instructed.

**ARTICLE XI**

**RESTRICTIONS ON PARKING, WAITING AND LOADING**

**Section 1. No Parking**

No vehicle shall be permitted to park or wait, whether attended or unattended on the following areas of Bayawan City:

- a. In all Traffic Discipline Zones of Bayawan City;
- b. In the following areas:
  1. Within an intersection;
  2. On a cross walk;
  3. Within six (6) meters of the intersection of curb lines;
  4. Within six (6) meters from the edge of a roadway and nearest to a public entrance to a hotel, theatre or public hall while open to the public, banks and gas stations;
  5. Within four (4) meters of the driveway entrance of a fire station;
  6. Within four (4) meters of a fire hydrant;
  7. In front of a driveway;
  8. On the roadway side of any vehicle stopped or parked at the curve or edge of the highway;
  9. At any place where the official signs have been installed prohibiting parking;
  10. Within four (4) meters of the driveway to any hospital;
  11. Opposite a parked vehicle (double parking);
  12. On the bridge or within fifty (50) meters from the post of the bridge, over or under or across the highway;
  13. On a highway in such a manner as to obstruct, or cause the obstruction of, the smooth flow of traffic;

14. On a bicycle lane or walkways;
- c. On other streets / places which are officially designated by the Sangguniang Panlungsod by means of a resolution as a "No Parking Area" for a specific or all kind of vehicles or by recommendation of the City Transportation and Traffic Management Office.
- d. Where a "NO PARKING" sign is installed, it is prohibited for a driver to cause his vehicle to stand waiting in the same place or street.

## **Section 2. One Side Parking**

Except on streets where parking is not allowed, one side parking shall be regulated in the streets of Bayawan City with the following scheme:

- a. All streets going North or South shall be regulated with a one side parking for 3wheeled and 4wheeled vehicles with the schedule of:
  1. 1<sup>st</sup> to 15<sup>th</sup> day of the month – One side parking at the Right Side – vehicle direction shall be South to North; and
  2. 16<sup>th</sup> to 31<sup>st</sup> day of the month – One side parking at the Right Side – Vehicle direction shall be North to South;
- b. All streets going East or West shall be regulated with a one side parking for 2wheeled vehicles with the schedule of:
  1. 1<sup>st</sup> to 15<sup>th</sup> day of the month – One side parking at the Right Side – vehicle direction shall be East to West; and
  2. 16<sup>th</sup> to 31<sup>st</sup> day of the month – One side parking at the Right Side – Vehicle direction shall be West to East;

## **Section 3. Vehicles not to be in Certain Areas**

No driver shall:

- a. Leave a vehicle in a "No Waiting Area";
- b. Park a vehicle in a "No Parking Area", except when loading or unloading goods or passengers;
- c. Leave a vehicle waiting in a "No Stopping Area", for any purpose.
- d. Leave a vehicle waiting in a Parking Area contrary to any limitation in respect of days, periods of the day and classes of vehicles indicated by the inscription on the sign or signs associated with the area.
- e. A person however, may park his vehicle in a "No Parking" area or leave a vehicle waiting in a "No Waiting" area or "No Stopping" area under any of the following conditions:
  1. In times when the restriction is suspended by reason of the inscription on the sign or signs associated with the area;
  2. If the inscription on the sign or signs associated with the area exempts his vehicle from the restriction imposed within the area;
  3. Emergency situations wherein the matter of life and death is at stake.

## **Section 4. Allowable Temporary Waiting and Parking**

Temporary waiting and parking of vehicles shall be permitted only under the following conditions:

- a. If the driver is merely loading or unloading a passenger or cargo in places where it is allowed, provided that it shall not last for more than three (3) minutes;
- b. When the motor vehicle suffered an engine breakdown or the driver is making a minor repair or changing flat tire, provided that an early warning device is properly installed and shall not exceed:

1. One (1) hour for four (4) wheelers and below vehicles, and
  2. Two (2) hours for vehicles having more than four (4) wheels
- c. Where a "NO PARKING" sign is installed, it is prohibited for a driver to cause his vehicle to stand waiting in the same place or street.

Violators of above conditions a, b & c of this section can be charged with citation ticket with a corresponding fee or their vehicles can be towed out by an Local Government Unit (LGU) authorized and accredited tow company to the impounding area of the City.

**Section 5. Loading and Unloading Zones**

Without violating Article XVIII, Section 1 "Truck Routes and Limited Truck Bans" of this code:

- a. A driver may stand his vehicle (except cargo trucks with a gross vehicle weight of more than twelve (12) tons) in a "Loading Zone" or "Unloading Zone" when actually taking up or setting down goods for a maximum of 30 minutes, provided he is present at all times and attending to the same.
- b. A driver of a public utility vehicle shall stop, pick up or unload passengers / cargoes only at designated loading and unloading zones.

On sections of the road where there is no prohibition against loading and unloading, he may stop to take up or set down passengers provided it is twenty (20) meters away from an intersection.

**Section 6. Officers Authorized to Remove Illegally Parked Vehicles**

Illegally parked vehicle may be removed by a composite team of the following:

1. City Transportation and Traffic Management Office (CTTMO)
2. Philippine National Police (PNP)
3. General Service Office (GSO)/City Engineering Office (CEO)

The expenses incurred in the removal of such vehicle shall be charged to the owner/s of the vehicle.

**ARTICLE XII**

**PAY PARKING ZONES AND FACILITIES**

**Section 1. Designation of Pay Parking Zones**

The City Transportation and Traffic Management Office is hereby authorized and directed to establish, mark and designate portions of a thoroughfare as pay parking zones.

**Section 2. On-Street Parking Zones**

- a. One side on-street parking may be operated and maintained in the city streets with a fee.
- b. The City Transportation and Traffic Management Office may implement/revise the on-street parking zone upon the approval of the City Mayor.

**Section 3. Pay Parking Charges and Signs**

- a. Appropriate signs indicating the parking charges, the time such is in operation or the facility is open for business, shall be installed at each pay parking area / facility.
- b. Parking charges for on-street operated/managed by the Local Government Unit shall be collected by the City Treasurer.

- c. Open spaces at City Boulevard and other public areas may be designated as pay parking areas by the City Transportation and Traffic Management Office subject to the approval of the City Mayor provided however that no alley, road or street is encroached or affected.

**Section 4. Enforcement of Overnight Parking**

- a. The enforcement of overnight parking shall be undertaken by the City Transportation and Traffic Management Office.
- b. Overnight Parking shall be limited to the hours of 6:00 PM to 6:00 AM the following day.
- c. Cargo trucks or tractor trailers or vehicles with more than four wheels shall only be allowed to park on designated overnight parking spaces.

**Section 5. Violations in Parking Zones / Facility**

Within Parking Zones / Facility, it shall be unlawful for any persons:

- a. To refuse or fail to pay the parking fees / charges:
- b. To park any vehicle across any line or marking of a parking space or in such position that the vehicle shall not entirely be within the area designated by such lines or markings;
- c. To tamper or damage any vehicle, other than his own, parked in the same parking facility.
- d. To park any vehicle for the purpose of washing, cleaning, greasing, or repairing such vehicle, except repairs necessitated by an emergency or a designated area in the parking facility;
- e. To display for sale or sell goods or merchandise, including the vehicle itself;
- f. To disregard any official direction, instruction, restriction posted therein.

**ARTICLE XIII**

**CARELESS AND DANGEROUS DRIVING UNDER THE INFLUENCE OF LIQUOR OR DRUGS**

**Section 1. Reckless Driving**

No person shall operate a motor vehicle on any road recklessly or without reasonable caution considering the width, traffic, grades, crossing, curvatures, visibility, and other conditions of the road and the conditions of the atmosphere and weather to endanger of the property and the safety or rights of any person or to cause excessive or unreasonable damage to the road.

**Section 2. Driving while under the Influence of Liquor or Incapacitating Drugs**

No person shall drive a motor vehicle while under the influence of liquor or incapacitating drugs.

- a. A driver is considered under the influence of liquor, if at the time of competent examination performed within an hour of apprehension of a person, he is found to have in his blood at least 0.06% of alcohol.
- b. A driver is considered under the influence of incapacitating drugs, if it is reasonably manifested from his actions or behaviour or that his exercise of his five senses is physically impaired as to expose himself or the vehicle or other persons to endanger of accident, subject to confirmatory test by appropriate authorities.

**ARTICLE XIV**  
**ACCIDENTS**

**Section 1. Accidents Involving Death or Personal Injuries or Damage to Properties / Vehicles**

The driver of any vehicle involved in an accident resulting in injury or death of any person or damage to a property or vehicle which is driven or attended by any person, shall immediately surrender at the nearest Police Station.

**Section 2. Confidentiality of Accident Reports**

All accident reports in writing made by person involved in accidents shall be for the confidential subject to the guidelines set by the Philippine National Police.

**Section 3. Responsibility to Tabulate and Analyze Accident Reports**

Without infringing on the authority of the police, the City Transportation and Traffic Management Office or its appropriate unit shall tabulate and analyze all accident reports and shall publish annually the statistical information based to the number and circumstances of traffic accidents.

**ARTICLE XV**  
**OPERATION OF ANIMAL-DRAWN CARRIAGES, BICYCLES AND TRICYCLES**

**Section 1. Coverage**

The regulations shall apply to all animal-drawn carriages, bicycles or tricycles operated upon any streets / highways of Bayawan City.

**Section 2. Regulation**

All animal-drawn carriages, motorcycle, bicycles or tricycles (motorized/electric/ human propelled) passing/traversing through the streets of Bayawan City with the purpose of being operated for business (delivery vehicle / ambulant vending) within the city shall be recorded for inventory purposes annually with the City Transportation and Traffic Management Office.

**Section 3. Traffic Laws Applicable to Persons Operating Carriages, Bicycles and Tricycles**

The provisions of this ordinance that is granting right to and imposing duties upon a driver of a vehicle including fines and penalties shall apply to every person operating an animal-drawn carriage, bicycle or tricycle (motorized/electric/pedalled) upon a road or in a public place, except those provisions that by their very nature are not applicable.

**Section 4. Riding Bicycles or Tricycles**

- a. No person shall ride a bicycle or tricycle (motorized/electric/pedalled) which does not have a permanent and regular seat attached to it.
- b. Electric Bicycles are only allowed to carry a maximum load of two (2) persons including the driver when operated in any streets of the city whether public or private.
- c. Tricycles (motorized/electric/human propelled) are only allowed to carry a maximum load of three (3) persons including the driver when operated in any streets of the city. (rephrased / reworded)

- d. No bicycle or tricycle (motorized/electric/pedalled) shall be used to carry at one time more persons than the number for which it is allowed by this ordinance.
- e. No person shall ride a bicycle or tricycle (motorized/electric/pedalled) without a having at least one hand on the handlebars.
- f. Whenever a bicycle lane is provided, the rider of a bicycle shall use that bicycle lane.
- g. No person shall ride a bicycle within two meters of the rear of a motor vehicle.
- h. No person shall drive a tricycle on any national road unless there is no other alternative route available.

**Section 5. Towing of Bicycles**

- a. A person riding a bicycle shall not attach himself to nor permit him to be drawn by any vehicle.
- b. The driver of a motorized / electric / pedalled vehicle shall not permit a person riding a bicycle to attach himself to or be drawn by the vehicle.

**Section 6. Riding More than Two Abreast**

- a. Except on a bicycle lane or during competition where such is permitted by signs or other means, no person shall ride a bicycle so that it is travelling abreast of another bicycle.
- b. Paragraph (a) of this section shall not operate to prevent a cyclist from overtaking and passing another bicycle.
- c. A bicycle shall be deemed to be abreast of another bicycle if any part of it is by the side of any part of the other.

**ARTICLE XVI**

**LIGHTING, WARNING SIGNS, EQUIPMENT, ETC.**

**Section 1. Lights on Moving Vehicle**

No person shall drive a motor vehicle or a combination of a motor vehicle and trailer between sunset and sunrise, unless the motor vehicle or combination is equipped with appropriate lamps and reflectors prescribed as mandatory by the Land Transportation Office (LTO) to be carried by that vehicle or combination, and the lamps are lighted.

**Section 2. Lights of Stationery Vehicle**

- a. Subject to the provisions of Section 9 of this article, no person shall leave a motor vehicle waiting on a road with a lamp of power exceeding seven watts lighted and showing to the front, except while the vehicle is loading or unloading passengers or is compelled to remain stationary by the exigencies of traffic.
- b. No person shall leave a motor vehicle or a trailer waiting on or partly on any thoroughfare between sunset and sunrise unless that motor vehicle or trailer is equipped with:
  - 1. Two lamps (one on each side) showing a clear white light to the front and clearly visible under normal atmospheric conditions at a distance 180 meters, or where the motor vehicle or trailer is waiting on is adjacent to the boundary of a thoroughfare, one such lamp shall be on the side of the motor vehicle or a trailer near to the center of a thoroughfare.
  - 2. Appropriate rear lamps, number-plate lamps, front and rear clearance lamps and reflectors prescribed as mandatory by the Land Transportation Office and the lamps so affixed is lighted.

- c. Paragraph (b) of this section shall not apply.
  - 1. Where the street lighting in the vicinity renders the motor vehicle or the trailer clearly visible at a distance of 180 meters; or
  - 2. To any motorcycle not connected to a sidecar or trailer left waiting parallel to and as near as practicable to the boundary of the thoroughfare.

**Section 3. Use of Early Warning Device**

- a. No person shall drive a vehicle on a road, or permit a vehicle to be driven, unless that vehicle carries a portable early warning device complying with the specifications prescribed by the Land Transportation Office.
- b. Whenever the disabled vehicle is stationary on a thoroughfare, the early warning devices shall be placed one to the rear of a vehicle and one to front side nearer to the center of a thoroughfare at a distance prescribed by the Land Transportation Office to give reasonable warning to approaching drivers.
- c. Nothing in this section shall affect any duty imposed by this code to display lighted lamps on stationary vehicles.

**Section 4. Lights and Other Equipment on Bicycle**

- a. No person should ride or propel a bicycle between sunset and sunrise, unless it is equipped with:
  - 1. A lighted lamp showing a clear white light to the front;
  - 2. A lighted lamp showing a clear red light to the rear; and
  - 3. A red reflector on its rear.
- b. Such lamps and reflectors shall be on the types and affixed in the positions prescribed by the proper authority and shall be kept clean at all times.
- c. No person shall ride a bicycle unless it is equipped with:
  - 1. An efficient brake; and
  - 2. An efficient bell or some other suitable warning device.

**Section 5. Lights on Animal - Drawn Vehicles**

- a. No person shall drive or permit any animal-drawn vehicle or any trailer attached on it to be in any thoroughfare between sunset and sunrise, unless the vehicle or the trailer is equipped with appropriate front and rear lamps and reflectors, as prescribed by proper authority and the lamps are lighted.
- b. All reflectors and lights prescribed under this section shall be kept clean and shall not be obscured by any part of any vehicle or its load.

**Section 6. Lights on Towed Vehicles**

No person shall between sunset and sunrise drive a motor vehicle which is towing another vehicle unless a lighted lamp is attached to the portion of the towed vehicle facing any following vehicle, with a power not exceeding seven (7) watts showing a clear red lights visible under the normal atmosphere conditions at a distance of 100 meters which lamp is so placed that

- a. Its center is not more than 1 meter above the ground; and
- b. It is in the center or to the left side of the center of that portion of the towed vehicle which faces any following vehicle.

**Section 7. Flashing Warning Lights**

- a. No persons shall drive or leave waiting a vehicle mounted with a lamp displaying intermittent red except for emergency vehicles

- b. No person shall drive mounted with a lamp displaying intermittent amber flashes except:
- A tow truck or motor breakdown service vehicle at the scene of an accident or breakdown; or
  - A vehicle being used by a government, public or local authority in connection with its function and occupying a hazardous on the thoroughfare.
- c. A motor vehicle moving or stationary in a hazardous position on a thoroughfare because of an emergency situation, shall display such flashes from both sides of the front and rear of the vehicle by means of a flashing lamp signing devices of Early Warning Device (EWD); provided, that display of such flashes and the operation of the Early Warning Device (EWD) are in accordance with the specification of the Land Transportation Office.

**Section 8. Spot Lamps**

- a. No person shall cause or permit any spot lamp or search lamp offered or connected to any vehicle to be lighted unless:
1. the vehicle is stationary and the lamp is used only for the purpose of reading a road sign;
  2. the vehicle is outside a built -up area and the lamp is lighted and use only for the purpose of reading a road sign.
- b. The provision of paragraph (a) of this Section shall not apply if the vehicle is an emergency vehicle which is being used by law enforcement agencies in the performance of their official function or during severe weather condition when the use of such lamp is so needed.

**Section 9. Mufflers and Noise Controlling Devices**

- a. No person shall operate a motor vehicle on a street unless such motor vehicle is equipped at all times, with a muffler in constant operation and of sufficient capacity for motor, and equipped with an exhaust system to prevent the escape of excessive fumes or smoke and unusual noise.
- b. Owners or operators of motor vehicle within the territorial jurisdiction of the City shall at all times ensure that their vehicle comply with the exhaust emission standards set forth RA No. 8749, otherwise known as the "Philippines Clean Air Act of 1999" and its implementing rules and regulations.
- c. Modified or replacement mufflers emitting unreasonable loud noise of more than 130 decibels as determined by a decibel meter is prohibited.
- d. Modified or replacement mufflers emitting sound substantially incompatible with the time and location to the extent that it creates an actual or imminent interference with peace and good order is prohibited.

**Section 10. Windshields to be Unobstructed and Equipped with Wipers**

- a. No person shall drive any motor vehicle with any sign, poster, or other non-transparent material upon the front windshield of such vehicle which obstructs the driver's clear view of the highway.
- b. Posters or stickers approved by the proper authority shall be placed at the lower right hand corner of the windshield.
- c. No person shall drive any motor vehicle with any non-transparent material or object suspended within the windshield area as viewed from the driver's seat nor shall any fixture ornament of any material which vibrates, or swings within view of the drivers of said vehicle.
- d. The windshields on every motor vehicle shall be equipped with a wiper for cleaning rain or other moisture from the windshield and shall be maintained in good working order.

**ARTICLE XVII**  
**WEIGHT, SIZE AND LOAD**

**Section 1. Gross Weight, Axle and Loads**

No motor vehicle or trailer or combination of such vehicle equipped wholly with pneumatic tires, which has a total gross weight, including vehicle and load in excess of the requirements prescribed as mandatory by the Land Transportation Office (LTO), shall be operated or moved upon any public road, street or highway.

**Section 2. Projecting Loads on Vehicle Width**

No Motor Vehicle or any other type of carriage shall be operated on any road with a load thereon projecting beyond the extreme width of the vehicle, regardless of the nature of the property being transported.

**Section 3. Load to be Properly Secured**

No vehicle shall be driven or moved on any road;

- a. unless such vehicle is so constructed or covered as to prevent any of its load from dropping, shifting, leaking or otherwise escaping there from;
- b. with any load consisting partially or entirely of loose paper, empty cartoons, crates or any other material susceptible of being blown or carried by the wind, unless such load is entirely covered by tarpaulin, net, or other suitable material effectively preventing any part of such load from being blown or carried by the wind.

**Section 4. Restricting Overloaded Vehicles over Bridges**

No person shall drive or operate any motor vehicle having an aggregate weight of a vehicle and load in excess of the specified allowable weight indicated over any bridge in the City.

**Section 5. Permit to Move Equipment and / or Load of Excess Weight, Width or Height**

- a. No vehicle shall be moved, transported, or caused to be moved through the city streets having an equipment and/or load of excessive weight, width or height unless a permit or clearance has been issued by a duly authorized officer of the City Transportation and Traffic Management Office in conformity with the Department of Public Works and Highways standards.
- b. All application for permits required under this Section shall be made in writing to the City Transportation and Traffic Management Office of the city and shall contain the following:
  1. Description of the vehicle, equipment and/or load to be moved;
  2. Street location or other identifying description of the place to which the same is to be moved;
  3. Complete designation of the route is to be followed;
  4. Height, width and length of the same;
  5. Time at which the movement of the vehicle will commence and terminate;
  6. The applicant shall have filed with the issuing officer, a certificate of any insurance carrier certifying that there is a comprehensive automobile liability insurance policy covering said applicant and his authorized agents, administrators and heirs in case of

body injury or death of one or more persons in any accident or damage to or destruction of property.

- c. The head of the traffic engineering division of the City Transportation and Traffic Management Office (CTTMO) may, in his discretion, change and designate another route to be followed or the time during which movement shall be made prior to the issuance of a permit.

## ARTICLE XVIII

### CARGO/DELIVERY TRUCK REGULATION

#### Section 1. Truck Routes and Limited Truck Bans

- a. Delivery vehicles whose gross vehicle weight exceed 4,500 kilograms are restricted to use the following city streets from six in the morning (6am) to twelve noon (12nn) and from three in the afternoon (3pm) to eight in the evening (8pm).
  1. R.T. Diao St. from cor. Peping Gamo St. to cor. P. Quindo St.
  2. Rizal St. from cor. Peping Gamo St. to cor. P. Quindo St.
  3. Gamboa St. from cor. Peping Gamo St. to cor. P. Quindo St.
  4. Peping Gamo St. from cor. National Highway to cor. Gamboa St.
  5. C.M. Recto St. from cor. National Highway to cor. Gamboa St.
  6. Magsaysay St. from cor. National Highway to cor. Gamboa St.
  7. Bollos St. from cor. National Highway to cor. Gamboa St.
  8. Mabini St. from cor. National Highway to cor. Gamboa St.
  9. P. Quindo St. from cor. National Highway to cor. Gamboa St.



- b. Mentioned vehicles in paragraph “a” of this section, are only allowed to deliver goods/merchandise to establishments on the above mentioned streets from twelve noon (12nn) to three in the afternoon (3pm) and from eight in the evening (8pm) to six in the morning (6am).

**ARTICLE XX**  
**EXEMPTION OF EMERGENCY VEHICLES**

**Section 1. Emergency Vehicles**

The following are considered emergency vehicles:

1. Bureau of Fire Protection (BFP) Fire Trucks
2. Ambulance
3. City Disaster Risk Reduction and Management Office (CDRRM) Rescue Vehicles
4. Barangay Disaster Risk Reduction and Management Office (BDRRM) Rescue Vehicles
5. Philippine National Police (PNP)/Armed Forces of the Philippines (AFP)/Bureau of Jail Management and Penology (BJMP) Vehicles
6. City Public Safety Office (CPSO) and City Transportation and Traffic Management Office (CTTMO) Emergency Vehicles
7. Other vehicles used to respond in an emergency situation

**Section 2. Exemption**

The driver of any emergency vehicle when responding to an emergency situation may, when the situation calls for it and safe to do so;

- a. On a sounding siren, bell or repeater horn, proceed, pass a traffic control signal displaying an amber / red light or an amber / red arrow or proceed contrary to the direction or instruction of any traffic control devices;
- b. On a sounding siren, bell or repeater horn, drive in any direction or any part of a road or overtake or pass on either side of another vehicle;
- c. Stop, leave waiting or park the vehicle at any place at any time; or
- d. Exceed the speed limits prescribed in this New Traffic Code of Bayawan City series of 2020.

When the above enumerated emergency vehicles are used in a manner other than they are intended, the provisions of this code shall apply.

**ARTICLE XX**  
**PUBLIC LAND TRANSPORTATION SERVICES**

**Section 1. Terminal**

All Public Utility Vehicles with valid authorization from the Land Transportation Franchising and Regulatory Board or from the City Franchise and Regulatory Board of Bayawan City and whose routes terminate or originate with the City shall be accommodated in an Integrated Public Transport Terminal or its designated Temporary Terminal.

**Section 2. Registration**

All Public Utility Vehicle shall register to the City Transportation and Traffic Management Office upon having received a valid authorization from the Land Transportation Franchising and Regulatory Board or from the City Franchising and Regulatory Board of Bayawan City.

An Annual Operator's Permit shall be processed by the Public Utility Vehicle (PUV) owner for each unit at the City Treasury Office shall be issued with a permit to operate stickers which shall be posted at the lower right hand corner of the windshield.

**Section 3. Routes**

All Public Utility Vehicles with valid authorization from the Land Transportation Franchising and Regulatory Board or from the City Franchising and Regulatory Board of Bayawan City shall pass through the routes designed uniquely for them by the City Transportation and Traffic Management Office.

**Section 4. Vehicles for Hire with No Fix Routes**

- a. Public land based transport conveyances with franchises to operate "vehicles for hire" with no specific or fixed routes and service on a contract basis is prohibited to charge fare in excess of what is authorized by the City Franchising and Regulatory Board.
- b. Subject vehicles shall adhere to the designated routes that will be assigned to them by the City Transportation and Traffic Management Office.

**ARTICLE XXI**

**TRAFFIC MANAGEMENT PLAN FOR CONSTRUCTION / BUILDING**

Construction of commercial or residential building or facility with a Gross Floor Area (GFA) of 1,000 square meters or more along any urban or highways of Bayawan City is required to submit a Traffic Impact Assessment to the City Transportation and Traffic Management Office (CTTMO) for approval prior to commencing construction works.

Approved Traffic Impact Assessment shall form part of the pre-requisite documents prior to the issuance of a Building Permit by the Office of the Building Official.

**ARTICLE XXII**

**CONTESTED TRAFFIC VIOLATIONS**

**Section 1. Contest on Traffic Violation/s**

Contest on Traffic Violation/s shall be filed at the City Transportation and Traffic Management Office.

**Section 2. City Traffic Adjudication Unit (CTAU)**

Violation/s with a fine/total fine of Php 2,500.00 and below shall be adjudicated by the City Traffic Adjudication Unit of the City Transportation and Traffic Management Office (CTTMO).

**Section 3. City Traffic Adjudication Committee (CTAC)**

There shall be created a City Traffic Adjudication Committee (CTAC) under the supervision of the City Mayor and City Transportation & Traffic Management Office in adjudicating traffic related complaints, Citation or Notice of Violation Receipt (NOVR) contests.

- a. The City Traffic Adjudication Committee (CTAC) shall have the full authority to:

1. Hear and decide on contested traffic violations petitioned and filed into the City Transportation and Traffic Management Office that constitutes a total fine of not more than Five Thousand Pesos (Php 5, 000.00).
2. Hear and decide appeals on decisions made by City Traffic Adjudication Unit (CTAU).
3. Hear and decide cases involving violation of this code and to impose fines and/or penalties thereof. Provided however, that violation resulting in damage to properties and/or physical injuries or violations of constitutional rights punishable under the revised penal code or other penal laws shall be under the jurisdiction of the regular courts.
4. Perform such other functions and duties as may be necessary or proper to carry out the mandate of the office.
5. Decisions of City Traffic Adjudication Committee (CTAC) may be appealed to the City Traffic Adjudication Board.

b. The City Traffic Adjudication Committee (CTAC) shall be composed by the following:

1. City Administrator - Presiding Officer
2. City Transportation and Traffic Management Office (CTTMO) Head
3. Sangguniang Panlungsod (SP) – Public Utilities Committee Chairman
4. City Legal Officer or his authorized representative
5. Representative for the Public Transport Sector / Group

#### **Section 4. City Traffic Adjudication Board (CTAB)**

There shall be created a City Traffic Adjudication Board under the direct supervision of the City Mayor that will adjudicate appeals on City Traffic Adjudication Committee (CTAC) decisions or contests on traffic violation/s with a fine / total fine of more than Php 5,000.00.

a. The City Traffic Adjudication Board (CTAB) shall be composed by the following:

1. City Mayor or his authorized representative
2. City Legal Officer
3. City Public Safety Officer

Decision of the City Traffic Adjudication Board (CTAB) is final and not subject for appeal.

### **ARTICLE XXIII**

#### **MANAGING MOVEMENT OF TRANSPORTATION DURING DECLARATION OF STATE OF EMERGENCY**

##### **Section 1. Movement in the Community**

Movement of private and public vehicles shall strictly follow the national, regional, provincial and local guidelines.

##### **Section 2. PUV Fares during Emergencies**

The City Transportation and Traffic Management Office shall recommend a special rate effective within the duration of the emergency to the City Mayor. The increase however shall not be more than 50% of the current fare rate.

**Section 3. Sanitation and Other Health Protocols**

All drivers/operators of vehicles and business establishment owners shall adhere to the policy and guidelines set by the Emergency Operations Center as authorized by Local Authorities.

**Section 4. Prioritization of Health and Emergency Frontliners**

Health and emergency frontliners shall be given priority in the access of public transportations.

Issuances from the National, Regional, Provincial and Local Agencies relative to emergencies are hereby adopted as part of this Code

**ARTICLE XXIV  
MISCELLANEOUS PROVISIONS**

**Section 1. Obstruction to Driver's View or Driving Mechanism**

- a. No person shall drive a vehicle when it is overloaded. There must only be one passenger in the front seat.
- b. No passenger in a vehicle shall ride in such a position as to interfere to the driver's view ahead or to any sides, or to interfere with his/her control over the driving mechanism of the vehicle.

No passenger must ride on a rooftop of any vehicle nor a passenger be allowed to hitch ride in any vehicle.

- c. RA 10913 or the Anti-Distracted Driving Act of the Philippines shall be enforced.

**Section 2. Following Fire Truck or other Emergency Vehicles Prohibited**

Drivers shall not operate his/her vehicle to follow any fire truck, ambulance or other emergency vehicle travelling in response of a fire alarm or emergency closer than 150 meters, or park such vehicle within the block where a fire truck, ambulance or other emergency vehicle has stopped in answer to fire alarm or emergency.

**Section 3. Putting Glass or Sharp Objects on a Road**

No person shall throw or deposit upon any road, any glass bottle, glass, nails, tracks, wire, cans or any other substance likely to injure any person, animal or vehicle on a street or highway.

**Section 4. Tracking Mud, Cement, Oil, Gas or Debris unto the Road.**

No vehicle using the public road shall leave a track of mud, cement, oil, gas or debris including sugarcane cuttings unto the travelled portion of such road in such quantities as will constitute hazard to the roadway or obscure the painted pavement markings thereon.

In the event that a mud, cement, oil, gas or debris including sugarcane cuttings is unavoidably tracked unto the road, the city shall remove the spillage of the road as quickly as possible. The City however, may charge penalties to the offending vehicles.

**Section 5. Sports Activities in City Streets / Highways**

No person shall be allowed to conduct any unauthorized games / sports activity (i.e. skateboarding, drag racing, basketball, volleyball, badminton, "larong pinoy") along any streets or highways of the City. All sports paraphernalia including goals and ramps installed or placed along any streets or highways of the City shall be dismantled & confiscated immediately by the City Transportation and Traffic Management Office (CTTMO).

## **Section 6. Drying of Agricultural Products**

Drying of any agricultural product in the sidewalks, streets or highways of the city is strictly prohibited.

## **Section 7. Driving through Funeral or other Processions**

- a. No processions, parade, assembly, caravan and other similar activities shall occupy, march or proceed along any street of the city unless a permit has been secured from the City Transportation and Traffic Management Office.
- b. No Funeral, processions and other similar activities shall pass along the National Highways of Bayawan City unless there is no other alternative route available.
- c. No person shall drive his vehicle through the vehicles comprising a funeral or other authorized procession while they are in motion.
- d. When the lead car of any funeral or other procession shall have entered any intersection, notwithstanding the light conditions and those intersections controlled by signal devices, then all other traffic shall yield the right-of-way to all vehicles comprising such funeral or other procession until it has passed through the intersection. The forgoing provision of this section shall apply only to such funeral or other processions moving under police or traffic enforcer escort.
- e. No funeral, procession, assembly or parade, except the Armed Forces of the Philippines, the forces of the police, fire departments and assembly/parades involving the entire Local Government Unit of Bayawan City personnel, shall, occupy, march or proceed along any street of the City except in accordance with the permit issued by the City Transportation and Traffic Management Office and such other regulation as set forth herein which may apply.
- f. A funeral procession composed of any number of vehicles shall be identified as such by the conspicuous display of a banner on the top center of the lead vehicle.

For accompanying vehicles, flag let shall be displayed at both sides of a vehicle beside each side mirrors (at least 2 flag lets per vehicle).

All funeral, procession, assembly or parade shall not take place without the assistance of the City Transportation and Traffic Management Office (CTTMO).

## **Section 8. Safety Helmets for Motor Riders and Motorists**

- a. All motorcycle drivers are required to wear the prescribed half / full faced helmet.  
For the safety of the motorcycle driver and passenger/s, the National Helmet Law shall be the basis in regulating the use of helmets.
- b. The use of bonnets is strictly prohibited except during health related emergencies.

## **Section 9. Production of Driver's License to Traffic Officer**

No person shall drive a motor vehicle on the road unless he has valid driver's license issued by the Land Transportation Office (LTO) for that type of vehicle.

- a. Any person who drives a vehicle on road shall carry his driver's license with him at all times.
- b. For violation of this code and endangering road safety, any person driving a motor vehicle on a road may be requested by a member of the traffic force or other authorized person to produce his license for inspection and state his true name and address.
- c. In this section "authorized person" means a person in uniform authorized by the City Transportation and Traffic Management Office to require a driver of a motor vehicle on a road to produce his driver's license.
- d. A person who knowingly drives a motor vehicle without having secured any appropriate license is guilty of a major offense, and shall be punishable with the highest penalty under Article XXV, Section 4 hereof.

**Section 10. Opening Doors and Alighting from Vehicles**

A person shall not leave his vehicle, or open the vehicles door or alight from his vehicle in such a manner that would cause danger to other person using the road or so as to impede passage to others.

**Section 11. Use of Horns & Warning Instruments**

- a. No person shall use the horn or any other warning instrument on a vehicle except when necessary as a traffic warning or as indication that the driver of the vehicle intends to overtake another vehicle or when use as a security alarm system.
- b. Modified or replacement horns emitting unreasonable loud noise of more than 130 decibels as determined by a decibel meter is prohibited.
- c. Modified or replacement horns emitting sound substantially incompatible with the time and location to the extent that it creates an actual or imminent interference with peace and good order is prohibited.

**Section 12. Use of Seatbelts**

A driver of any vehicle, as well as passengers occupying the front seats and other specified locations, must wear a seatbelt as provided for under Republic Act No. 8750 and the implementing rules and regulations issued by the Land Transportation Office.

**Section 13. Obstructing Roads**

- a. A person shall not, without the written permission from the City Transportation and Traffic Management Office, drive or leave standing any vehicle on a road for the purpose of:
  - 1. Soliciting employment or business from the vehicle;
  - 2. Displaying an advertisement on the vehicle; or
  - 3. Offering foods for sale from the vehicle.
- b. A person shall not stand or place himself on a road or a sidewalk for the purpose of:
  - 1. Soliciting contributions;
  - 2. Display an advertisement; or
  - 3. Offering goods for sale, (newspaper and magazine)
- c. A person shall not bar, impede or divert the flow of direction of traffic from any road, street or highway, unless authorized in writing or except when the closure of a road or any part thereof to traffic or the diversion of traffic is dictated by reasons of emergency to protect the public from any calamity, fire or any public danger.

**Section 14. Access Restriction on Some Roads**

- a. It shall be unlawful to any person, natural or juridical, to close, obstruct, prevent or otherwise refuse to the public or vehicular traffic the use of or free access to any subdivision or community street owned by the government and within the jurisdiction of the City of Bayawan or to exact fees to any form or the use thereof, unless with proper authorization of the Sangguniang Panlungsod. Such act is hereby declared a nuisance per se and the City Mayor thru the City Transportation and Traffic Management Office is hereby authorized to remove such closure or obstruction and to open the said road to the public "motu proprio" at the expense of the offender.

**Section 15. Other Restrictions**

The use of streets, sidewalk avenues, buildings/setbacks, alleys, bridges, parks and other public places in Bayawan City for commercial and personal purposes is hereby prohibited

unless authorized by the Sangguniang Panlungsod of the City. Such prohibited acts include the following:

- a. Vending or selling of foods, magazines, newspapers, cigarettes, brooms, watches or jewelries, shoes and other footwear, vegetables, spices, foods and/or any other items;
- b. Conduct of shoe-shine occupation;
- c. Conduct of "religious" activities, such as preaching and seeking alms;
- d. Doing house chores such as washing clothes, hanging clothes, and bathing;
- e. Vehicle garage;
- f. Dumping garbage & putting garbage receptacle waiting for collection;
- g. Use of sidewalk to install pens of animals or keep animals in chains;
- h. Storing soft drinks or wine/liquor bottles and cases; drinking liquor and beverages and holding picnics/gatherings;
- i. Storing of junks and recyclable materials;
- j. Use of sidewalk for storage of construction materials (pipes, tubing, lumber, cement, sand, gravel and the like);
- k. House extension or stall / store extensions including installation of roofs or awnings/canopies;
- l. Installation of permanent or picket fence;
- m. Use of sidewalks for plants, trees and plant boxed;
- n. Signs or signboards on or above sidewalks and detached from the businesses establishment.
- o. Displaying such vehicle for sale upon a roadway; and
- p. Washing, greasing or repairing such vehicle except repairs necessitated by an emergency;
- q. Installing building permits, signages, business adds, billboards, and the likes protruding into the sidewalk or city streets.
- r. Installing post for electrical or cable use and the likes in the sidewalks or road shoulder.

All items, goods and structures found on or along roads, streets avenues, building setbacks, alleys, sidewalks, bridges, parks, and other public places shall be confiscated by the City Government without prior notice. The same shall be treated as common or ordinary garbage and shall be disposed by the City Government. Provided, that food commodities maybe given to city jail as food for prisoners or street children respectively. The city government shall, not be held liable for any damage arising from the removal, confiscation or disposal of the said items.

## **ARTICLE XXV**

### **PROCEDURES AND PENALTIES**

#### **Section 1. Procedures in the Issuance of Notice of Violation Receipt (NOVR) or Citation Ticket**

Persons violating any provision of this ordinance or any traffic related ordinance of the City of Bayawan shall be issued with a Notice of Violation Receipt (NOVR) or Citation Ticket. In case of violation in the Traffic Code, a traffic enforcement officer duly deputized by the Land Transportation Office (LTO) shall confiscate the driver's license and the issued Temporary Operators Permit (TOP) shall serve as temporary driver's license for three (3) days from date of issuance. Notice Of Violation Receipt (NOVR), Citation Ticket or the like issued by other Local Government Unit within Negros Island **shall be accepted** by the apprehending traffic enforcer as proof of the violating driver that he/she possess a driver's license issued by the Land Transportation Office (LTO).

Except, when authorized or directed by law to immediately take a person arrested for violation of any of the traffic laws before a court, the following procedures 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 officer or deputized agent shall demand presentation of the driver's license and/or the registration of the motor vehicle. The

apprehending officer shall then indicate the name and address of the driver, the license number and the issuing agency of the vehicle, the certificate of registration number shall likewise be indicated therein. The apprehending officer shall stipulate the specific violation and furnish copy of the Citation Ticket to the person apprehended.

Provided, if the violator has been apprehended by other Local Government Units (LGUs) in Negros Island, the traffic enforcer shall impound the vehicle and issue a citation ticket to the violator.

In the event that the apprehended person decides to contest his apprehension, he may file a protest at the City Transportation and Traffic Management Office Traffic Adjudication.

- b. In case of business establishments found violating the provisions on traffic obstructions, the apprehending officer shall issue a Citation Ticket or a Notice of Violation Receipt thru No Contact Apprehension Policy. Payment of such shall form part of the Business One Stop Shop requirements prior to granting new / renewal of business permit. A City Transportation and Traffic Management Office (CTTMO) clearance shall be issued to the violator upon payment of fine/s.
- c. In case of pedestrians / persons found violating this ordinance, they shall be taken to the City Transportation and Traffic Management Office to pay the appropriate penalty. In the event of inability of the violator to pay the fine, they shall be subjected to a community service equivalent to two hours.

## **Section 2. Summons on Illegally Parked Vehicle**

Whenever any motor vehicle (driver is not around) is found parked or stopped in violation of any of the restriction contained in this Code, the officer finding the vehicle shall note down its plate number, may take any information displayed on the vehicle which may identify its user, and shall conspicuously affix to the vehicle the Citation Ticket for the driver to answer to the charge against him within three (3) days, during the hours and at a place specified in the summon.

## **Section 3. Failure to Comply with Citation Ticket/Summon Attached to Parked Vehicles**

The driver or the vehicle issued with the Citation Ticket or Notice of Violation Receipt (NOVR) or the person apprehended shall appear before the City Transportation and Traffic Management Office for appropriate disposition within the period specified in said ticket or written summons.

Failure to appear shall be construed as waiver of their right to contest the citation/Notice of Violation Receipt and shall be liable for the payment of the corresponding charges.

In the event that the violator fails to settle the fines and charges of the violation within the period of three (3) days, the City Government thru the City Transportation and Traffic Management Office shall forward the matter to the City Legal Office for filing of appropriate cases and:

- a. For driving – related violations, communicate with the Land Transportation Office to hold in abeyance the renewal of driver's license or vehicle registration until clearance has been obtained from the City Transportation and Traffic Management Office;
- b. For other violations, immediately request the cancellation of business / building permit and the issuance of closure order from the City Mayor and forward the case to the City Legal Office and the Bayawan Philippine National Police (PNP) for appropriate legal action.

## **Section 4. Penalties**

- a. Any violation of the provisions of this ordinance shall be penalized with four (4) hours seminar at City Transportation and Traffic Management Office and a fine as indicated in the table below:

**1. VIOLATIONS IN CONNECTION WITH LICENSING**

<b>VIOLATION</b>	<b>FINE</b>
Allowing unlicensed person to drive a Public Utility Vehicle	500.00
Discourteous Driver and or Conductor	250.00
Driving with Student's Permit Unaccompanied by Duly Licensed Driver	250.00
Failure to carry or deliberately don't show Driver's License when asked	100.00
License Restriction don't correspond to the type of vehicle driven	300.00
No Driver's / Conductor's License	500.00
No Uniform / Improper Attire / ID (Driver and or Conductor of PUV)	200.00

**2. VIOLATIONS IN CONNECTION WITH MOTOR VEHICLE REGISTRATION & ACCESSORIES**

<b>VIOLATION</b>	<b>FINE</b>
Cut or Improvised Muffler	250.00
Defective lights and accessories	250.00
Dilapidated Motor Vehicle	200.00
Dirty / Un-sanitized PUV	150.00
Display of disallowed/invalid ID, Plate, Stickers, Tags	200.00
Displaying of Red Light in Front of MV	250.00
Driving Another Drawn Vehicle without Proper Lights and Reflection	250.00
Driving Vehicle or with Trailer Without Lights and Reflectors (under motor vehicle )	250.00
Failure to Bring Early Warning Device	200.00
Failure to carry or deliberately don't show Certificate of Registration when Asked	500.00
Failure to Equip Bicycle with Lights, Reflection and Brake	250.00
Flagrant use of Spot Lamps / Search Lamp	250.00
Improper / Display of Plate / No Plate Displayed	200.00
Leaving Vehicle / Trailer on a Road Without Lamp and EWD	250.00
Improvised Horn	250.00
No / Dirty Seat Covers/Interior Light	150.00
No Required Markings Displayed/Incomplete	200.00
Obstructed Windshield	250.00
Right Hand Drive Vehicle	500.00
Tampered, Unauthorized Temporary / Fake Plate	200.00
Towing Vehicles / Trailer Without Proper Lights and Reflector	250.00
Unauthorized Installation of Jalousies, Additional Aircon, DIM Colored Lights, Dark Glass Lights	250.00
Unauthorized Tow Truck	300.00
Unregistered PUV	500.00
Unregistered Vehicle	500.00
Vehicle Without Low Beam	250.00

**3. VIOLATIONS IN CONNECTION WITH MOTOR VEHICLE REGISTRATION & ACCESSORIES**

<b>VIOLATION</b>	<b>FINE</b>
Disregarding Bridge Capacity Sign	250.00
Load Projecting Beyond Vehicle Extreme Width/Length	250.00
Overloading	250.00
Unsecured or Cargoes without Canvass Cover	200.00

**4. VIOLATIONS IN CONNECTION WITH MOTOR VEHICLE REGISTRATION & ACCESSORIES**

<b>VIOLATION</b>	<b>FINE</b>
Cutting Trip	250.00
Failure to display authorized routes in front of the PUV	250.00
Failure to Display Fare Matrix	100.00
Failure to Display ID in Windshield / Front of Vehicle Inappropriate ID	100.00

Failure to Present Franchise / Regulation Permit	100.00
Failure to Transport Passenger to Point of Destination	250.00
No Designated / Inadequate Seats for PWD	250.00
No Franchise / Regulation Permit	500.00
Non Compliance to Color Coding	100.00
Out of Route	300.00
Over-charging / Under charging	250.00
Refuse to Convey Passenger	250.00

**5. VIOLATIONS IN CONNECTION WITH MOTOR VEHICLE REGISTRATION & ACCESSORIES**

<b>VIOLATION</b>	<b>FINE</b>
Allowing children below six (6) years old to occupy the front seat of the PUV	250.00
Alighting / Boarding a Moving Vehicle	100.00
Alighting / Boarding a Vehicle in a "No Loading/Unloading Area"	100.00
Alighting a Vehicle Carelessly	200.00
Attaching Bicycles / Permitting Self to be Drawn by any Vehicle	250.00
Conducting sports activities in the City Streets or Highway	300.00
Disobedience / Disregarding to Traffic Control	200.00
Disobedience / Disregarding to Traffic Signs	200.00
Display of Goods / Selling Merchandise at Parking Zone Facility	200.00
Display of Business Signage Obstructing Sidewalks	200.00
Displaying / Maintaining Items Appearing to be the same or Imitation to Any Traffic Sign	300.00
Disregarding Officer or Person in Authority	250.00
Driving / Parking on Lanes Reserved for Bicycles / PWDs	100.00
Driving Under the Influence of Liquor / Drugs	300.00
Drying agricultural products in the City Streets, Highways and Sidewalks	300.00
Evading / Eluding Arrest / Responsibility	300.00
Exacting Fees to Use Government Owned Roads	300.00
Failure to Give Way to Pedestrians in Pedestrian Crossing	200.00
Failure to Report Accident to Police or Local Authority	100.00
Failure to Stop and Stand Vehicle before reaching Pedestrian Crossing	100.00
Failure to Yield to Vehicle Coming from Left	200.00
Holding processions, parade, assembly, caravans and the likes without a Mayor's Permit.	300.00
Illegal Overtaking	200.00
Illegal Parking / Double Parking	250.00
Improper Use of Horn / Muffler /Any Warning Instrument (substantially incompatible with the time and location to the extent that it creates an actual or imminent interference with peace and good order)	200.00
Jaywalking	100.00
Leaving Carriages on a Road Without Lamp	250.00
No Approved Traffic Impact Assessment	500.00 + revocation of building / fencing permit
No Clearance / Permit from the City Transportation and Traffic Management Office (CTTMO)	300.00
No Permanent / Regular Seat for bicycle	100.00
Non Observance of personal hygiene	200.00
Not Using Seatbelts	250.00
Obstruction	300.00
Over Speeding	250.00
Pedestrian Standing on any Portion of a Thoroughfare	200.00
Proceeding to a Vehicle in a Thoroughfare that has Not Fully Stopped	100.00
Reckless Driving	300.00
Refusal to Pay Parking Fee	100.00
Riding Abreast with Another Bicycle	100.00
Smoking while Driving	200.00

Standing a vehicle in a "No Parking Area" or places where parking is not allowed	250.00
Stopping / Turning Without Giving Signal	100.00
Tailing Emergency Vehicle	300.00
Throwing / Depositing Sharp Objects Upon Any Road	300.00
Tracking Mud, Cement, Oil, Gas or Debris unto the Road	300.00
Unauthorized Display of Traffic Sign in Any Road	200.00
Unauthorized Removal of Traffic Signs	200.00
Unauthorized use of bike lanes	250.00
Unauthorized Use of Sirens / Dazzling Lights / Similar Gadgets	300.00
Unlawful / Unauthorized Closure of Road	200.00
Using mobile phone / similar device while driving	300.00
Violations Captured Thru No Contact Apprehension Policy (NCAP) - e-Pot	50.00
Violations Captured Thru No Contact Apprehension Policy (NCAP) - Other Vehicles	300.00
Violating Funeral / Procession Guidelines	200.00
Violating Regulation and or Restrictions in Sidewalks, Setbacks, Bridges, Parks and Public Places	200.00
Violating Truck Ban	300.00
Violation to Anti Distracted Driving Act (RA 10913)	200.00
Walking on a Thoroughfare Abreast with Another Pedestrian	100.00
Wearing sleeveless / slipper while driving a Public Utility Vehicle (PUV), Motorcycle and Tricycle)	200.00

- b. A traffic violator apprehended within the Traffic Discipline Zone shall be held liable to pay double the amount of the above enumerated penalties.
- c. For second time subsequent offense, the penalties shall be two times the value of the most recent fines on record whether the same had been paid or not but shall not exceed P 5,000.00 per violation.
- d. For habitual offenders or when the violation involved property damage in excess of P10,000.00 or loss of life, the City Transportation and Traffic Management Office shall seek the cancellation of the driver's license in the Land Transportation Office.
  1. Where the violation is not a driver, a written summary report shall be given to the offending party and to the City Legal Office for filing of appropriate legal action.
  2. The violating driver shall have three (3) days from date of violation within which to redeem his license which shall only be released upon presentation of Notice of Violation Receipt (NOVR) and proof of payment of the appropriate fines.

An additional surcharge of one percent (1%) for each month of delay (or a fraction thereof) for failure to pay the appropriate fine is hereby imposed until the full amount of the surcharge is paid.

## **ARTICLE XXVI**

### **COVERAGE OF TRAFFIC DISCIPLINE ZONE**

A Traffic Discipline Zone shall cover from Bayawan-Sta. Catalina boundary, Brgy. Villareal to Junction Muyao Road, Brgy. Banga and Junction National Highway, Brgy. Poblacion to Welcome Arc, Brgy. Nangka, where traffic penalties imposed are higher.

Under no circumstances that a vehicle shall be allowed to park in the Traffic Discipline Zone. When the motor vehicle suffered an engine breakdown or flat tire, it shall be removed or towed immediately subject to applicable fees and charges.

**ARTICLE XXVII  
FINAL PROVISIONS**

**Section 1. Separability Clause**

If for any reason, a phrase or statement stated in this Ordinance is declared illegal or unconstitutional, other sections or provisions hereof which are not affected thereby shall continue to be in full force and effect.

**Section 2. Repealing Clause**

All previous issuances, ordinances, rules and regulations or parts thereof which are inconsistent or in conflict with the provisions of this Code are hereby repealed or modified accordingly.

**Section 3. Effectivity**

This Ordinance shall take effect after compliance with the provisions of RA 7160, the Local Government Code of 1991.

**“Enacted.”**

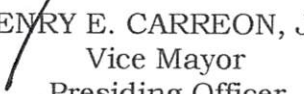
\* \* \*

I hereby certify to the correctness of the foregoing resolution.

\* \* \*

  
JULIUS T. ESPARTERO  
Secretary to the Sangguniang Panlungsod

ATTESTED:

  
HENRY E. CARREON, JR.  
Vice Mayor  
Presiding Officer

APPROVED:

  
PRYDE HENRY A. TEVES  
Mayor

Date: 01 DEC 2021

Copy for:

- The Honorable Provincial Board, Dumaguete City