



Office of the Sangguniang Bayan

EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF SANGGUNIANG BAYAN OF BALER, AURORA WHICH WAS HELD ON OCTOBER 09, 2013 AT THE SB SESSION HALL, LEGISLATIVE BUILDING.

Present:

Hon. Noel P. Go	SB Member-Temporary Presiding Officer
Hon. Pedro Fernando D. Valenzuela	SB Member
Hon. Danilo M. Ong	SB Member
Hon. Gina T. Ritual	SB Member
Hon. Reynaldo E. Mapindan	SB Member
Hon. Gina Z. Agapito	SB Member
Hon. Meinrado C. Tropicales	SB Member
Hon. Domino E. Bernalte	Ex-Officio Member- ABC President
Hon. Aya Rose L. Avellaneda	Ex Officio Member- SKMF Chairman

Absent:

Hon. Karen G. Angara-Ularan	Vice Mayor- (On Official Business)
Hon. Ramir D. Duaso	SB Member- (On Official Business)

ORDINANCE NO. 017-2013

ORDINANCE FOR THE CONDUCT OF ANNUAL CHRISTMAS BAZAAR AT MUNICIPAL PLAZA AND IMPOSING FEES AND OTHER CHARGES THEREOF.

Be it ordained by the Sangguniang Bayan of Baler, Aurora that:

Section I. Short Title: This Ordinance shall be known as the "Ordinance for the Conduct of Annual Christmas Bazaar at Municipal Plaza of Baler and Imposing Fees and Other Charges Thereof".

Section II. Scope: This Ordinance shall cover the conduct of annual Christmas Bazaar /Night Market at the Municipal Plaza and the imposition of fees and other charges from its operation as provided hereof.

Section III. Definition of Terms: When used in this ordinance, the term:

Christmas Bazaar – shall mean the annual conduct of night market at Municipal Plaza of Baler for a limited period of time during Christmas season.

Stall/Booth – shall mean the temporary space allotted at the Municipal Plaza of Baler for use in the selling of merchandise, food and beverages of any kind by vendors during night time.

Stall Rental Fee – the amount of fee imposed or collected from the occupants for the use of designated space or stall at Municipal Plaza of Baler for selling of goods and commodities.

Electrical Charges – the amount of fee imposed for the actual electric consumption of occupants of the stall on per outlet basis during the duration of the contract.

Lessee/Stallholder – shall refer to a natural or juridical person, association/cooperative in whose favor a duly executed contract of lease is given by

the Municipality of Baler for the use of stall/booth located at the Municipal Plaza of Baler.

Section IV. Imposition of Fees: There shall be collected a stall rental fees and charges on the temporary use of stall/booth at the Municipal Plaza during the conduct of Christmas Bazaar based on the following rates:

	Amount of Fees
a) Stall Rental Fee	P 135.00/sq. m. for sixty (60) days or P 1,620.00
b) Electrical Charges	
Bulb	P 10.00/bulb per day
Power (convenience outlet)	P 20.00/outlet per day

Provided that the area of each stall/booth shall not be more than twelve (12) square meters.

Section V. Time and Manner of Payment:

- a) **Stall Rental Fee** – The fee imposed herein shall be paid to the Municipal Treasurer or his duly authorized representative upon awarding of the stall/booth to prospective lessee or before the actual occupancy of the stall/booth.
- b) **Electrical Charges** – The electrical charges shall be paid to the Municipal Treasurer or his duly authorized representative every end of the week during the duration of the contract.
- c) **The Municipal Treasurer or his duly authorized representative** shall issue an official receipt representing payments of the stall rental fee and electrical charges to the lessee/stallholder therein the name of the payee and the total amount paid.

Section VI. Surcharge for Late Payment: Failure to pay the fee imposed in this Ordinance on time shall be subject to a surcharge of ten percent (10%) of the original amount of fees due, such surcharge to be paid at the same time and in the same manner the obligation is to be settled.

Section VII. Administrative Provisions:

- 1) The conduct of annual Christmas Bazaar shall commence on November 16 of every year and shall be operated until January 15 of the ensuing year. For its first year of operation, the Christmas Bazaar will start on November 4 to coincide with the opening of the Division Athletic Meet of the Province of Aurora to be held in Baler, Aurora.
- 2) The designated space at the Municipal Plaza shall be divided only in two (2) sections as follows:
 - a) **Eatery Section** – where selling of all kind of cooked foods, including refreshments, coffee, soft drinks and other non-alcoholic beverages or drinks are allowed. Selling of liquors, wines and other intoxicating beverages or drinks are strictly prohibited within the premises of the Municipal Plaza.
 - b) **Dry Good Section** – where selling of all kinds of textiles, readymade dresses, clothes and apparels, novelties, Christmas decorations, shoes, household articles, handbags, toys and other souvenir items are allowed.

Stallholders shall only sell articles, wares, goods and commodities as specified in the sectioning of the designated space at the Municipal Plaza.

- 3) The market hours shall start at 6:00 p.m. until 11:00 p.m. from Monday to Sunday. However, on the 24th day and 31st of December of every year, the market shall be opened for twenty four (24) hours. Every day, at the end of the market hours, the stallholders shall vacate the stall/booth they are occupying and shall return only at the start of the market hours.

Section VIII. Stall/Booth Management:

- 1) All natural and juridical persons are qualified to apply for a stall/booth space at the designated place in the Municipal Plaza provided that they meet the following requirements:
 - a) Must be a Filipino citizen and a resident of Municipality of Baler;
 - b) Must be a taxpayers of good standing;
 - c) Have no record of violation of the Revised Market Code including its rules and regulations.
 - d) Must have a Mayor's Permit and duly registered with the BIR.
- 2) A qualified applicant shall file their application form to the Office of the Municipal Mayor together with the necessary supporting documents. Deadline for submission of the application form shall be two (2) days before the actual drawing of lots or raffle draws.
- 3) **Adjudication and Occupancy:** Stall/Booth adjudication and right of occupancy shall be determined by the Award Committee in accordance with the provisions of this Ordinance. A notice of stall/booth vacancy shall be posted for five (5) days in three (3) conspicuous places and shall contain information that will afford the prospective applicant enough knowledge of the awarding procedures, terms of the contract, date, time and place of the raffle.
- 4) **Award Committee:** For the purpose of this Ordinance, there shall be created an Award Committee composed of:
 - Municipal Treasurer as Chairman
 - Municipal Planning and Development Coordinator as Vice Chairman
 - Members:
 - SB Chairman on Committee on Public Market
 - Representative from Mayor's Office
 - President or duly authorized Representative of Market Vendors Association
- 5) **Award** – The Award Committee shall screen the applicant, conduct the raffle and award to the winning qualified applicant the right to occupy the stall/booth subject to the final action on protest, if any. Any applicant who feels aggrieved by the decision of the Award Committee shall, within three (3) days from the date of award may file his/her protest to the Committee. The Award Committee, in accordance with its procedure, shall decide on said protest within five (5) days from actual receipt thereof.
- 6) **Only one** (1) stall/booth shall be awarded to an applicant.
- 7) The Municipality of Baler shall not be responsible for any loss or damage which stall/booth occupants may incur, by the reasons of fire, theft or robbery, "force majeure", or any other cause. Any merchandise, goods, wares or commodities left in the stall/booth during the closure time shall be at the risk of the

stallholders. It shall, however the duty of the security guard assigned within the municipal plaza to apprehend and turn over to the proper authority or to the Philippine National Police (PNP) officer any person caught stealing or committing any offense within the municipal plaza.

Section IX. Solid Waste Management:

All stallholders/booth occupants shall be responsible for the cleanliness and orderliness of the immediate surroundings of their stall/booth at all times. For this purpose, the provisions of the Municipal Ordinance No. 001-2008, otherwise known as the “Baler Ecological Solid Management Ordinance of 2008”, shall be strictly adhere to and complied by stallholders/booth occupants at all times.

Section X. Penalty: Any violation of the provisions of this Ordinance shall be punished by a fine of not less than One Thousand Pesos (P1, 000.00), but not more than Five Thousand Pesos (P5, 000.00), or imprisonment of not less than one (1) month but not more than six (6) months or both, such fine and imprisonment at the discretion of the Court.

Section XI. Separability Clause: If for any reasons, any part or provision of this Ordinance is declared unconstitutional or invalid, other parts or provisions hereof which are not affected thereby shall remain to be in full force and effect.

Section XII. Repealing Clause: Any Ordinance or parts thereof or any rules and regulations and other executive orders which are inconsistent with this Ordinance are hereby repealed, amended or modified accordingly.

Section XIII. Effectivity: This Revenue Ordinance shall take effect upon approval.

ENACTED: 09 October, 2013

SPONSOR: HON. PEDRO FERNANDO D. VALENZUELA
Chairman- SB Committee on Ways and Means

I hereby certify to the correctness of the foregoing ordinance.

GLORIOSO A. VILLAFRANCA
Secretary to the Sangguniang Bayan

Attested:

HON. NOEL P. GO
SB Member- Temporary Presiding Officer

HON. NELIANTO C. BIHASA
Municipal Mayor

Date: _____