SANGGUNIANG PANLUNGSOD

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Authored by Councilor ANTONIO R. ESPIRITU, Councilor ROVIN ANDREW M. FELICIANO, Councilor CORAZON A. CORTEZ, Councilor MARLON PAULO C. ALEJANDRINO, Councilor JENNIFER PINGREE-ESPLANA, Councilor LORENA NATIVIDAD-BORJA, Councilor LAILANIE P. NOLASCO, Councilor KIMBERLY ANN D.V. GALANG, Councilor CRISSHA M. PINEDA, Councilor KRISTIAN ROME T. SY And Councilor RAMON L. ENCARNACION

WHEREAS, on June 23. 2010 the Sangguniang Panlungsod of Valenzuela enacted Ordinance No. 80, more commonly known as the Valenzuela City Zoning Ordinance, providing the Comprehensive Land Use Plan for the City;

WHEREAS, under the said Zoning Ordinance proposal for changes, amendments or modification thereto may be made based on the review made by the Local Zoning Review Committee:

WHEREAS, on November 21, 2013, the Local Zoning Review Committee was activated by virtue of Executive Order No. 2013-196 issued by the Honorable Mayor Rexlon T. Gatchalian;

WHEREAS, one of the recommendations made by the Local Zoning Review Committee for the effective implementation and strict compliance of the said Ordinance is to prescribe and imposed administrative penalty in case of violation and/or non-compliance thereof;

WHEREAS, the City Government of Valenzuela, through its Sangguniang Panlungsod, is empowered to regulate the use of land and/or improvement and to enact measures prescribing reasonable limitations and restraints on the use of property within its jurisdiction;

WHEREAS, the City Government of Valenzuela in the exercise of the powers expressly granted, those necessarily implied therefrom, as well as powers necessary, appropriate or incidental for its efficient and effective governance, and those which are essential to the promotion of the general welfare as provided under its Charter (Republic Act No. 8526) and of the Local Government Code (Republic Act No. 7160) and in the exercise of its power to create its own sources of revenues and to levy fees and charges for its use and disposition hereby adopts the proposed changes made by the Local Zoning Review Committee.

NOW, THEREFORE, be it ORDAINED by the Sangguniang Panlungsod of Valenzuela City the following:

SECTION 1. Article III of Ordinance No. 80 is hereby amended to incorporate the following supplementary Definition of Terms, to read as follows:

"50.

ADMINISTRATIVE PENALTY - a legal mechanism that allows the local government to penalize the violation

of this Ordinance, which consist of the imposition of administrative fine.

It is in the exercise of its power to create its own sources of revenue and to levy fees, charges and imposition consistent with the basic policy of local autonomy. Such fees, charges and imposition shall accrue exclusively to the local government units.

Said mechanism similarly provide an alternative enforcement mechanism that is more cost-effective, timely and practical than prosecuting the offender/s through the court system.

"51

PERSON - refers to any natural person, firm, association, co-partnership, joint venture, corporation, or any entity, private or public in nature;

"52.

ZONING ORDINANCE - refers to Ordinance No. 80, Series of 2010, commonly known as the VALENZUELA CITY ZONING ORDINANCE;

"53.

IMPLEMENTING GUIDELINES - refers to the Implementing Guidelines promulgated to facilitate the implementation and enforcement of the Zoning Ordinance;

"54.

VIOLATOR - refers to any person, corporation, partnership or entity found violating the provisions of Zoning Ordinance and/or its Implementing Guidelines;

"55.

NOTICE OF VIOLATION - is a notice issued by the Zoning Administrator and/or his duly authorized representative, informing the actual user, possessor and occupant of the land, establishment and/ or structure of his violation of the provision of the Zoning Ordinance and/or Implementing Guidelines:

"56.

REAL PROPERTY TAX - refers to the tax imposed on the properly.

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SECTION 2. Sections 60 and 61 of Ordinance No. 80, Series of 2010 (Zoning Ordinance) are hereby amended to incorporate the following additional paragraphs, to wit: "Section 60. Powers and Functions of a Zoning Administrator. Pursuant to the provisions of EO 72 Implementing RA 7160 in relation to Sec. 5, Paragraph a and d, and Section 7 of Executive Order No. 648 dated 07 February 1981, the Zoning Administrator shall perform the following functions, duties and responsibilities:

- ENFORCEMENT

- Act on all applications for Locational Clearances for all projects.

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Issuance of Locational Clearance for projects conforming to the regulations of the ZO.

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Recommend to the LZBAA the grant or denial of applications for various, exceptions and special uses and the issuance of Certificate of Non-Conformance for non-conforming projects lawfully existing at the time of the adoption of the zoning ordinance, including clearances for repairs/renovations on non-conforming uses consistent with the guidelines therefore.

- Monitor on-going/existing projects within their respective jurisdictions and issue notices of violation and show cause order to owners, developers, or managers of projects that are in violation of the provisions of the Zoning Ordinance and if necessary, pursuant to Section 3 of Executive Order No. 71, refer subsequent actions thereon to the HLURB.

- Call and coordinate with the Task Force Disiplina or any agency or body created by the City Mayor for the purpose or authorized representative of the City Mayor for the enforcement of all orders and processes issued in the implementation of this Ordinance.

- Coordinate with the City Legal Office for other legal actions/remedies relative to the foregoing.

- Coordinate with the City Legal Office for other legal actions/remedies relative to the foregoing.

- Issue Notice of Violation against the actual user, possessor and/or occupant of the land, establishment and/or structure committing the following act/s:

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Violation of the provision of the Zoning Ordinance and/or its Implementing Rules and Regulations;

-

Operating any business, commercial or trade activity without an approved Locational Clearance;

- Report to the LZBAA all Notice of Violation issued in the enforcement of the Zoning Ordinance and/or its Implementing Guidelines;

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- PLANNING.

- When applicable, coordinate with the pertinent offices of other government agencies regarding any proposed amendments to the Zoning Ordinance for more comprehensive perspective on any issue.

- ENFORCEMENT POWER.

- Within five (5) working days after the issuance of a Notice of Violation against the actual user, possessor and/or occupant of the land, establishment and/or structure, the Zoning Administrator shall submit his report to the Local Zoning Board of Adjustments and Appeals (LZBAA) together with the pertinent and relevant documents for its appropriate action;

- The Board shall, within five (5) working days after receipt of said report, issue a notice to the violator requiring him to appear on the scheduled hearing and to submit his answer together with any controverting evidence;

- If the violator has submitted his Answer or has failed to appear and/or to submit his answer as required, the Board shall thereafter resolve the case arising from the Notice of Violation;

- If the Board finds cause that there was a violation of the Zoning Ordinance or its Implementing Rules and Regulations, non-compliance of the LZBAA imposed conditions or breach of any undertaking, and the like, the Board shall issue its Decision to the violator directing him to comply/rectify his violation within Fifteen (15) days from receipt of the Decision; Provided, said period may be extended by the Board, upon written application by the violator in case compliance/rectification of the violation will require or entail a longer period of time.

- If the Board finds cause that there was a violation of the Zoning Ordinance or its Implementing Rules and Regulations, non-compliance of the LZBAA imposed conditions or breach of any undertaking, and the like, the Board shall issue its Decision to the violator directing him to comply/rectify his violation within Fifteen (15) days from receipt of the Decision; Provided, said period may be extended by the Board, upon written application by the violator in case compliance/rectification of the violation will require or entail a longer period of time.

Section 60-A. The following acts, in violation of the Zoning Ordinance, shall be subject to the imposition, assessment and collection of administrative penalty provided herein:

- Failure to secure Locational Clearance prior to the development, construction and/or introduction of improvement;

- Non-conformity of the development to the zone classification as established in the Zoning Map and Zone Boundaries as specifically identified in Sections 9 and 10 of the Zoning Ordinance;

- Non-compliance with the height regulation/restriction (if applicable)

- Non-compliance with the area regulation/restriction (if applicable)

- Non-compliance with the conditions imposed by the Local Zoning Board of Adjustments and Appeals for the approval of the application for variance, exception or special use;

- Non-compliance with the Undertaking executed by the violator as required in the pertinent LZBAA Decision and/or to comply/rectify his violation;

- Non-compliance with the Abutments requirement;

- Non-submission of the parking lay-out requirement (if applicable);

- Non-submission of the Environmental Compliance Certificate (If applicable);

- Non-submission of the Development Permit for Subdivision Project from subdivision owner and developer;

- Non-submission of the Deed of Restriction, that will provide regulations pertaining to allowable uses within their Subdivision Project from subdivision owner and developer;

- Non-compliance with the easement provided in Section 20 of the Zoning Ordinance;

- Non-compliance with the buffer yard requirement (if applicable);

- Non-compliance with the Environmental Conservation and Protection Standard;

- Non-compliance with the requirement of green and open spaces;

- Non-compliance with the Historical Conservation and Protection Standard;

- Non-compliance with the Site Performance Standard;

- Unauthorized deviation from the provision of the Zoning Ordinance;

- All other acts enumerated under the Zoning Ordinance or the National Building Code or other applicable laws and ordinances and all other acts analogous to the foregoing as found by the LZBAA.

Section 60-B. Imposition of Administrative Penalty. A monetary fine and other administrative actions shall be assessed and imposed by the Local Zoning Board of Adjustment and Appeals (LZBAA) against violator/s that have been issued a Notice of Violation and found by the Board to have violated the Zoning Ordinance and this Ordinance.

Any person, corporation, partnership or entity found violating the provisions of this Ordinance or its implementing rules and regulations, shall upon notice of violation, be assessed and fined as follows:

"For individual violator/s:

First violation - written warning to be issued by the Zoning Administrator and the execution of an undertaking by the violator to comply/rectify his violation. Second Violation - Twenty Thousand Pesos (P20,000.00); Third and succeeding violation - Thirty Thousand Pesos (P30,000.00);

For violator/s who are corporation, partnership, commercial or business entities:

First violation - written warning to be issued by the Zoning Administrator and the execution of an undertaking by the violator to comply/rectify his violation.

Second violation - an administrative fine of Fifty Thousand Pesos (P50,000.00) and temporary closure pending compliance/rectification of the violation/s;

Third Violation - an administrative fine of One Hundred Thousand Pesos (P100,000.00) and permanent closure of the establishment;

All administrative penalties imposed by the LZBAA shall be subject to 1% interest compounded monthly until full compliance or rectification by the violator.

The imposition, assessment and collection of administrative fine is without prejudice to the filing of a criminal action against the violator/s under the other applicable provisions of the Zoning Ordinance.

Section 60-C. Allocation of Administrative Penalties and Fees collected - All administrative penalties and fees collected shall be distributed as follows:

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(i)

Fifty (50%) Percent shall accrue to the Lozal Zoning Board of Adjustments and Appeals (LZBAA) Trust Fund for LZBAA's utilization in pursuit of its mandate.

(ii)

Fifty (50%) Percent shall accrue to the General Funds of the City Government of Valenzuela."

Section 61. Action on Complaints and Oppositions. A complaint for violation of any provisions of the Zoning Ordinance, Implementing Rules or Regulations or any clearance or permits issued pursuant thereto shall be filed with the LZBAA. Further, oppositions to application/s for Locational Clearance, Variance or Exception shall be treated as a complaint and dealt with in accordance with the provisions of this section.

Section 3. Section 1 of Ordinance No. 81, Series of 2013 (Ordinance fixing the filing fees in appeals to be filed before the Local Zoning Board of Adjustments and Appeals (LZBAA) is hereby repealed and incorporated in Section 62 of Ordinance No. 80, Series of 2010 which shall read, to wit: "Section 62. Functions and Responsibilities of the Local Zoning Board of Adjustments and Appeals. There is hereby created a LZBAA which shall perform the following functions and responsibilities:

- Act on applications of the following nature:

- Variances

- Exceptions

- Special Uses

- Non-Conforming Uses

- Complaints and oppositions to application/s

- Act on appeals on Grant or Denial of Locational Clearance by the Zoning Administrator.

Decisions of the LZBAA shall be appealable to the HLURB.

- Collect the necessary filing fees for Motions for Reconsideration and Appeal as follows:

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First motion - three thousand pesos (P3,000.00)

- Second motion - five thousand pesos (P5,000.00)

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Third motion - ten thousand pesos (P10,000.00)

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Appeals to the Office of the City Mayor from LZBAA Decision - Fifteen Thousand Pesos (P15,000.00)

The Motion for Reconsideration shall be filed within thirty (30) days from receipt of the LZBAA's Decision.

- Promulgate its rules of procedure and may adopt applicable existing rules and regulations promulgated by the Housing and Land Use Regulatory Board, pertinent laws and Rules of Court

Section 4. Implementing Rules and Regulations - The Local Zoning Board of Adjustments and Appeals shall prepare the necessary Implementing Rules and Regulations for the effective and efficient implementation of this Ordinance.

Section 5. Repealing Clause - All ordinances, rules and regulations in conflict with the provisions of this Ordinance are hereby repealed.

Section 6. Separability Clause - In the event that any part or provision of this ordinance shall be held invalid, the other parts or provisions hereto which are not affected thereby shall continue to be in full force and effect.

Section 7. Effectivity - This ordinance shall take effect within fifteen (15) days after publication in newspaper of general circulation.

ENACTED.
SEPTEMBER 1, 2014.
VALENZUELA CITY, METROPOLITAN MANILA.

(Sgd.) HON. ANTONIO R. ESPIRITU
Councilor
Majority Floor Leader HON. ROSALIE ESTEBAN-CAYCO
Councilor
Minority Floor Leader

(Sgd.) HON. MARCELINO G. MORELOS
Councilor (Sgd.) HON. LORENA NATIVIDAD-BORJA
Councilor
Asst. Majority Floor Leader

(Sgd.) HON. ROVIN ANDREW M. FELICIANO
Councilor (Sgd.) HON. LAILANIE P. NOLASCO
Councilor

(Sgd.) HON. CORAZON A. CORTEZ
Councilor (Sgd.) HON. KIMBERLY ANN D.V. GALANG
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(Sgd.) HON. MARLON PAULO C. ALEJANDRINO
Councilor (Sgd.) HON. CRISSHA M. PINEDA
Councilor

(Sgd.) HON. JENNIFER PINGREE-ESPLANA
Councilor (Sgd.) HON. KRISTIAN ROME T. SY
Councilor

(Sgd.) HON. RAMON L. ENCARNACION
Councilor
(President League of Barangays)

ATTESTED:

(Sgd.) FLAVIO C. DIAZ
Secretary

CERTIFIED CORRECT:

(Sgd.) HON. ERIC M. MARTINEZ
Presiding Officer
City Vice Mayor

APPROVED:

(Sgd.) HON. REXLON T. GATCHALIAN
City Mayor

Date Signed: _____

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