

MUNICIPAL ORDINANCE NO. 05
Series of 2016

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AN ORDINANCE PROHIBITING THE SALE OF FIRECRACKERS AND FIREWORKS TO MINORS IN THE MUNICIPALITY BONGABONG AND PROVIDING PENALTY FOR VIOLATION THEREOF.

BE IT ORDAINED BY THE SANGGUNIANG BAYAN OF BONGABONG, BY VIRTUE OF THE POWERS VESTED IN IT BY LAW, IN SESSION ASSEMBLED, THAT:

SECTION 1. TITLE. This Ordinance shall be known as “AN ORDINANCE PROHIBITING THE SALE OF FIRECRACKERS AND FIREWORKS TO MINORS IN THE MUNICIPALITY BONGABONG AND PROVIDING PENALTY FOR VIOLATION THEREOF”

SECTION 2. DEFINITION OF TERMS - The following are defined operationally:

Minors- refers to individuals of either sex who are below eighteen (18) years of age.

Business establishment- refers to a unit where *business* is conducted, goods are made or stored or processed or where services are rendered.

Natural person- a common individual by birth.

Juridical person- it refers to organization, association, partnership or corporation operating in accordance with law and possessing legal personality distinct from the members.

Firecracker — is a small explosive device primarily designed to produce a large amount of noise, especially in the form of a loud bang; any visual effect is incidental to this goal. They have fuses, and are wrapped in a heavy paper casing to contain the explosive compound.

Fireworks - are a class of explosive pyrotechnic devices used for aesthetic, cultural, and religious purposes. Fireworks take many forms to produce the four primary effects: noise, light, smoke and floating materials (confetti for example.) They may be designed to burn with flames and sparks of many colors, typically red, orange, yellow, green, blue, purple, silver and gold.

SECTION 3. PROHIBITION – the following are prohibited in this Ordinance:

- a. Selling of firecrackers and fireworks to minors is strictly prohibited.

b. Firecrackers and fireworks (pyrotechnic device) enumerated and defined under Section 2 of Republic Act 7183 are, for purposes of this Ordinance, are considered as prohibited articles. As such, they are not allowed to be sold to minors. These are as follows:

1. Firecrackers:

- (1) Baby rocket — A firecracker with a stick so constructed that lighting of the wick will propel the whole thing to lift a few meters before exploding. The firecracker is about 1 ½ inches in length by 3/8 inch in diameter while the stick is about a foot in length;
- (2) Bawang — A firecracker larger than a triangulo with 1/3 teaspoon of powder packed in cardboard tied around with abaca strings and wrapped in shape of garlic;
- (3) Small triangulo — A firecracker shaped like a triangle with powder content less than the bawang and usually wrapped in brown paper measuring ¾ inch length in its longest side;
- (4) Pulling of strings — A firecracker consisting of a small tube about an inch in length and less than ¼ of an inch in diameter with strings on each end. Pulling both strings will cause the firecracker to explode;
- (5) Paper caps — Minute amount of black powder spread in either small strips of paper on a small sheet used for children's toy guns;
- (6) El diablo — Firecrackers tubular in shape about 1 ¼ inches in length and less than ¼ inch in diameter with a wick; also known as labintador;
- (7) Watusi — Usually reddish in color about 1 ½ inches in length and 1/10 inch in width usually ignited by friction to produce a dancing movement and a crackling sound;
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- (8) Judah's belt — A string of firecrackers consisting of either diabolos or small triangulos that can number up to a hundred or thereabout and culminating in large firecracker usually a bawang;
- (9) Sky rocket (kwitis) — A large version of a baby rocket designed to be propelled to a height of forty (40) to fifty (50) feet before exploding;
- (10) Other types equivalent to the foregoing in explosive content.

2. Pyrotechnic Devices:

- (1) Sparklers — Pyrotechnic devices usually made of black powder on a piece of wire or inside a paper tube designed to light up and glow after igniting;

- (2) Luces — Any of several kinds of sparklers; chan robles virtual law library
- (3) Fountain — A kind of sparkler conical in shape which is lighted on the ground and designed to provide various rising colors and intermittent lights upon being ignited;
- (4) Jumbo regular and special — A kind of sparkler similar to a "fountain" but bigger in size;
- (5) Mabuhay — Sparklers bunched into a bundle of a dozen pieces;
- (6) Roman candle — A sparkler similar to a "fountain" but shaped like a big candle; chan robles virtual law library
- (7) Trompillo — A pyrotechnic device usually fastened at the center and designed to spin first clockwise and then counter-clockwise and provides various colored lights upon being ignited;
- (8) Airwolf — A kind of sky rocket shaped like an airplane with a propeller to rise about forty (40) or fifty (50) feet and provide various kinds of light while aloft;
- (9) Whistle device — Any of the various kinds of firecrackers or pyrotechnic designed to either simply emit a whistle-like sound or explode afterwards upon being ignited;
- (10) Butterfly — Butterfly-shaped pyrotechnic device designed to lift above ground while providing light;
- (11) All kinds of pyrotechnic devices (pailaw);
- (12) Other types equivalent to the foregoing devices.

SECTION 5. PENALTIES. Any business establishment owned by natural or juridical person found guilty of violating this ordinance shall be penalized as follows:

First offense: -P 500.00

Second offense: -P 1,500.00 and confiscation of prohibited articles

Third offense: -P 2,500.00 , confiscation of prohibited articles and cancellation of business permit

SECTION 6. ENFORCEMENT. Bongabong PNP, Bongabong BFP, Municipal Disaster and Risk Reduction and management Office and Barangay officials are hereby directed to ensure the widest dissemination and strict implementation of this Ordinance.

SECTION 7. REPEALING CLAUSE. All ordinances or any of their provision inconsistent with this Ordinance are amended, modified or repealed accordingly.

SECTION 8. SEPARABILITY CLAUSE. If, for any reason, any part or provision of this Ordinance be declared unconstitutional or invalid, other parts or provision thereof not affected shall continue to be in full force and effect.

SECTION 9. EFFECTIVITY. This Ordinance shall take effect fifteen (15) days after a copy hereof is posted on the bulletin board at the entrance of the municipal hall and at least in a places in each barangay of this Municipality.

ENACTED THIS 27th DAY OF DECEMBER 2016 at Sangguniang Bayan Session Hall, Bongabong, Oriental Mindoro.

Certified true:

Atty. EDUARDO M. MAGSINO
Secretary to the Sanggunian

Attested:

RICHARD S. CANDELARIO
Vice-Mayor/Presiding Officer

Approved:

ELEGIO A. MALALUAN, O.D.
Municipal Mayor
Date: _____