

[MAKATI CITY ORDINANCE NO. 2013-A-044, May 20, 2014]

AN ORDINANCE ADOPTING THE BILLBOARD AND SIGNAGE REGULATIONS FOR THE CITY OF MAKATI AND PROVIDING FOR ITS ADMINISTRATION AND ENFORCEMENT THEREOF

REPUBLIC OF THE PHILIPPINES
SANGGUNIANG PANLUNGSOD

PRESENT:

Councilor	NELSON S. PASIA - Temporary Presiding Officer
Councilor	MARIE ALETHEA S.J. CASAL-UY
Councilor	ISRAELS. CRUZADO
Councilor	MARIA THERESA N. DE LARA
Councilor	HENRY A. JACOME
Councilor	LEONARDO M. MAGPANTAY
Councilor	ROMEO C. MEDINA
Councilor	TOSCA CAMILLE T. PUNO-RAMOS
Councilor	MARY RUTH C. TOLENTINO
Councilor	MA. CONCEPCION M. YABUT
Councilor	NEMESIO S. YABUT, JR.
LnB President	MA. ARLENE M. ORTEGA

ABSENT:

Vice Mayor	ROMULO V. PEÑA, JR.
Councilor	MANUEL MONSOUR T. DEL ROSARIO III - Vacation Leave
Councilor	FERDINAND T. EUSEBIO - Vacation Leave
Councilor	VIRGILIO V. HILARIO - On Official Business
Councilor	ARNOLD C. MAGPANTAY - Vacation Leave
Councilor	VINCENT T. SESE

By unanimous vote of the Sangguniang Panlungsod members who are present, the following City Ordinance was enacted on third and final reading:

Authors: Councilors A.C. Magpantay, N.S. Yabut, Jr., N.S. Pasia, V.T. Sese, I.S. Cruzado, M.A. S.J. Casal-Uy, M.T.N. de Lara, V.V. Hilario, H.A. Jacome, R.C. Medina, L.M. Magpantay, T.C.T. Puno-Ramos, M.R.C. Tolentino, M.C.M. Yabut, and M.A.M. Ortega

WHEREAS, it is the thrust of the City of Makati to continuously improve its urban quality and make the neighborhoods safer and secured place to live in while maintaining its competitive edge as the center of financial and commercial activities in the country;

WHEREAS, the City enacted City Ordinance No. 2004-028 on December 14, 2005 which is An Ordinance Imposing Moratorium on the Construction and Installation of Billboards in Makati City and Providing Penalty for Violation Thereof;

WHEREAS, such moratorium will continue to be in effect until such time a master plan for such purpose has been adopted and the corresponding regulations approved;

WHEREAS, the Billboard and Signage Regulations will guide the implementation of regulatory measures for the construction and installation of billboards and signage within the territorial jurisdiction of the City of Makati;

WHEREAS, the City enacted City Ordinance No. 2012-102 on December 14, 2012 which is the Makati City Zoning Ordinance (MCZO) of which Section 71 Provides Penalty for Violation thereof;

WHEREAS, the Billboard and Signage Regulations (BSR), is part of the Implementing Rules and Regulations (IRR) of the MCZO; the BSR shall also serve as a Referral Ordinance of the MCZO, whereby it shall be the special ordinance and the MCZO shall be the general ordinance;

NOW THEREFORE, BE IT ENACTED, AS IT IS HEREBY ENACTED BY THE SANGGUNIANG PANLUNGSOD OF MAKATI, METRO MANILA, BY VIRTUE OF THE POWERS VESTED IN IT BY LAW, IN SESSION ASSEMBLED, THAT:

Article I TITLE AND COVERAGE

SECTION 1. **Title of the Ordinance.** This Ordinance shall be known as the Billboard and Signage Regulations of the City of Makati and shall be referred to as the Ordinance.

SECTION 2. **Coverage.** This Ordinance covers regulations for billboards and signage to be located in the City of Makati. The term billboard, as used in this Ordinance, would refer to non-mobile billboards only.

Article II POLICY AND PURPOSE

SECTION 3. **Declaration of Policy.** It is the declared policy of the City Government of Makati to ensure an improved quality of life for its constituents through continuing efforts to improve the natural/built and physical/non-physical environments. It is also the policy of the City to preserve public spaces as public domain and not to allow the use of such spaces for private enjoyment nor benefit.

SECTION 4. **Purposes.** This ordinance is enacted to achieve the following purposes:

1. Address the proliferation of billboards and signage in the interest of public policy, public safety, public order and general welfare.

2. Address community aesthetic concerns about visual clutter and visual blight in the environment.
3. Identify the areas where billboards and signage will be allowed and the corresponding control parameters for each area identified including but not limited to dimensions, height, illumination, fees, content, etc.
4. Internally regulate billboard content to preserve moral and social values, especially of the young generation.
5. Identify transition mechanisms for the smooth implementation of the Billboard and Signage Regulations.

SECTION 5. **General Billboard and Signage Principle.** This Ordinance is based on the approved "Billboard and Signage Master Plan" as per City Ordinance No. 2013-A-058 dated April 01, 2014.

Article III DEFINITION OF TERMS

SECTIONS. **Definition of Terms.** As used in this Ordinance, the terms

1. "CBO" or City Building Official is the official designation of the Department of Public Works and Highways (DPWH) for its local government unit (LGU) appointees under Section 477 of the Local Government Code (LGC), and who are tasked with the implementation and enforcement of the National Building Code of the Philippines (NBCP) and its derivative regulations.
2. "Alignments" are the surface areas/spaces traversed by a right-of-ways (ROWs), legal easements or similar public spaces within the LGU, which form part of the public domain and are therefore disallowed sites.
3. "Barangay" means the basic government unit distinct from the LGU.
4. "Billboard and Electronic Display" means an attention-getting device in the form of notices/signage/graphics/images visible to public view, that are designed to promote, entice, sell, offer, for commercial purposes, a product or service, and consisting of a support structure, a display or message area, a lighting system and related components. The term also refers to all types of identification, description, illustration, images, pictures, display or device which is affixed to or represented directly or indirectly upon a portion of a building/structure, support structure or land and which directs attention to a product, place, activity, person, institution, business, idea or belief. The term shall be generic and shall collectively refer to but not be limited to multi-media or tri-vision billboards, neon, electronic displays or other illuminated signs, painted signs and the like.
5. "Billboard or Electronic Display Unit" or "BEDU" shall refer to one (1) free standing or building-mounted billboard or electronic display, including border and trim but excluding supports.

6. "Building Height Limit or BHL" means the maximum height to be allowed for a building/structure based on their proposed use/ occupancy. As defined under the NBCP, the BHL is generally measured from the established grade line to the topmost portion of such a building/structure, inclusive of a non-mobile billboard mounted on top of such a building/structure. Under this Ordinance, BHL shall also mean Billboard Height Limit.
7. "Cantilevered Support Structure" means a support structure that is not directly planted on the ground or any portion of the road right-of-ways (RROWs) or legal easement within the LGU; such a structure may rest on a portion of a building or another support structure not originally planned/ designed to support a billboard; a cantilevered structure is necessary so that the effective width of the sidewalk or similar components of the RROW are neither compromised nor lessened.
8. "Carriageway" or "Roadway" means the portion or component of an RROW within the LGU, on which land-based transportation conveyances such as motor vehicles are allowed to pass or park.
9. "Content" means the message and image components of a billboard or electronic display which may be advertising, commercial, directional or general public information in intent.
10. "DILG" means the Department of the Interior and Local Government.
11. "DOTC" means the Department of Transportation and Communications which maintains exclusive control over the operations of mobile conveyances that may serve as platforms for small billboards or signage display.
12. "DPWH" means the Department of Public Works and Highways which maintains exclusive control over National RROWs within the LGU and which is the primary implementor and enforcer of the National Building Code Philippines (NBCP), its 2004 or latest IRR, its applicable referral codes (RC) and its applicable derivative regulations (DRs including other valid and subsisting laws, National Executive Orders (EOs), National Administrative Orders (AOs), DPWH Department Orders/ DOs, DPWH Department Administrative Orders/DAOs and DPWH Memoranda Circulars/MCs).
13. "Electronic Display" means a device that can carry/display a message that is either assembled as an integrated unit requiring sturdy structural support or arrayed as a series of parallel elements that do not require a frame nor a sturdy structural support.
14. "FCP" means the 2008 Fire Code of the Philippines, otherwise known as R.A. No. 9514 or its future iterations, duly supported by its 2009 and/or latest IRR and/or related executive issuances by the DILG, the agency tasked with its full implementation and enforcement.
15. "Firewall" means a reinforced masonry or reinforced concrete separator with the appropriate fire-resistive rating and which shall be positioned between buildings/structures to maintain the fire integrity of each building/structure. Firewalls that are erected along and/or above property lines utilize a

substantial portion of the maximum development potential of a property and shall therefore have no openings except for the permitted vent wells specified under P.D, No. 1096, the 1977 NBCP and its 2004 and/or latest IRR. Firewalls are not envisioned as a mounting surface for billboards and other types of display under the NBCP and its IRR as such billboards/displays also constitute a fire and safety hazard to an adjoining property.

16. "Free Standing Billboard" is a billboard mounted on top of a rigid support frame that is firmly anchored to the ground by way of a concrete foundation; said frame is independently constructed to serve solely as support to the billboard. This type of billboard is also referred to as an "independent mounted billboard".
17. "IRR" means the Implementing Rules and Regulations of this Ordinance.
18. "Indoor Billboards/Signs" are devices located within a building's exterior walls that are intended to be seen from the RROW or from a large public access way or assembly area within the building.
19. "Intersections" are common surface areas or spaces shared by two (2) or more RROWs, similar ROWs or legal easements within the LGU, or a mix of such public spaces, which form part of the public domain and are therefore disallowed sites for billboards.
20. "LGC" refers to the 1990 Local Government Code, otherwise known as R.A. No. 7160 and its derivative regulations as implemented and enforced by the DILG.
21. "LGU" refers to the Local Government Unit of Makati City, as defined under the LGC.
22. "Legal Easement" means a public open space mandated under law that must be absolutely free of all forms of physical obstructions that can negatively affect natural light and ventilation within such a space or that can impede access to or the full recreational use of such a space by the general public. Legal easements also refer to the public area within the LGU that may lie between the legally usable portions of a private/public property and natural or built bodies of water or waterways.
23. "Lighting System" means the luminaries/complete lighting, units, power source and connections, controls and all support structures/ devices that ensure the continuous illumination of a display/electronic display.
24. "MMDA" means the Metropolitan Manila Development Authority.
25. "Medium" means the type of material or assembly of materials used to carry and deliver a message.
26. "NBCP" means the 1977 National Building Code of the Philippines, otherwise known as Presidential Decree or P.D. No. 1096 or its future iterations, duly supported by its 2004 and/or latest IRR and/or related executive issuances by the DPWH, the agency tasked with its full implementation and enforcement.