



REPUBLIKA NG PILIPINAS
LUNGSOD NG CEBU

TANGGAPAN NG SANGGUNIANG PANLUNGSOD
CEBU CITY HALL
TEL. NOS. 412-2817
254-9004

February 17, 2014



The Director
Environment Management Bureau
Department of Environment and
Natural Resources Office
Greenplains Subdivision, Banilad
Cebu City

Sir/ Madam:

The 13th Sangguniang Panlungsod of Cebu City is cordially inviting you or your representative to attend and participate in a PUBLIC HEARING on March 12, 2014 (Wednesday) at 8:30 o'clock in the morning at the Doña Eva Macaraeg Macapagal Session Hall, 4th Floor of the Legislative Building, Cebu City Hall on the proposed ordinance of Councilor Ma. Nida C. Cabrera, entitled: "AN ORDINANCE PROVIDING FOR A SEPTAGE MANAGEMENT PROGRAM FOR THE CITY OF CEBU, PROVIDING FEES AND IMPOSING PENALTIES FOR NON-COMPLIANCE THEREFOR," per SP Resolution No. 13-1580A-2014 dated January 22, 2014.

The proposed ordinance intends to be consistent with the provision of Republic Act 9275, otherwise known as the "Philippine Clean Water Act of 2004", mandating a septage management program, thus appropriating land, including rights-of-way and access for the construction of sewage or septage management facilities. The proposed measure likewise ensures proper wastewater treatment; hence, promoting the interest and welfare of the constituents.

Likewise, salient provisions on Prohibited Acts and Penalties are quoted, as follows:

"Section 25. Prohibited Acts- The following shall be prohibited acts;

1. Transportation of septage by service provider without Manifest Receipt;
2. Failure of service provider to secure accreditation;
3. Failure of the service provider to present Manifest Receipt when required;
4. Improper disposal of septage by the service provider;
5. Failure to desludge septage when required;
6. No septic permit of septic tanks;
7. Non-conformity of septic tanks;
8. Failure of contractors to construct a septic tank for any building constructed;
9. Failure of the service provider to submit required regular reports to CCENRO;
10. Issuance of unregistered Manifest Receipts by the service providers;
11. Households without toilets and/or septic tanks or construction of residential, commercial, industrial or institutional buildings without toilet facilities; and
12. Operation of sewage treatment/ disposal facility without permit.

Section 26.- Penalties. – Any service provider who shall violate the above-mentioned acts shall be penalized with Five Thousand Pesos (P5,000.00) for every violation of septage improperly disposed.

In addition, service providers who shall violate Prohibited Act No. 4 shall be imprisoned for not more than one (1) year at the discretion of the court."

Relative thereto, may we request that you submit a position paper, whether you are in favor of or against the proposed ordinance, to guide the City Council during its final deliberation on the matter. Attached is a copy of the said measure for your perusal and reference.

May we further request that attendees to the public hearing will be guided by the House Rules of the City Council to wear appropriate attire. The wearing of slippers, shorts and sleeveless T-shirts are not allowed inside the Session Hall. For related inquiries, you may call the Secretariat at telephone numbers 254-9004 and 254-3807.

Thank you very much.

BY AUTHORITY OF THE SANGGUNIANG PANLUNGSOD:


CYNTHIA M. KAHULUGAN
Acting Secretary to the SP



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13th SANGGUNIANG PANLUNGSOD

1st SESSION
Regular Session No. 24

EXCERPT FROM THE MINUTES OF THE REGULAR SESSION HELD BY THE
SANGGUNIANG PANLUNGSOD OF THE CITY OF CEBU IN ITS
SESSION HALL ON JANUARY 22, 2014.

PRESENT:

Hon. Edgardo C. Labella	..... Presiding Officer
Hon. Nestor D. Archival Sr.	..... Presiding Officer Pro Tempore
Hon. Margarita V. Osmeña	..... Majority Floor Leader
Hon. Lea O. Japson	..... 1 st District Asst. Majority Floor Leader
Hon. Richard Z. Osmeña	..... 2 nd District Asst. Majority Floor Leader
Hon. Mary Ann C. de los Santos	..... Minority Floor Leader
Hon. David F. Tumalak	..... Assistant Minority Floor Leader
Hon. Nendell Hanz L. Abella	..... Member
Hon. Sisinio M. Andales	..... Member
Hon. Alvin B. Arcilla	..... Member
Hon. Roberto A. Cabarrubias	..... Member
Hon. Ma. Nida C. Cabrera	..... Member
Hon. Gerardo A. Carillo	..... Member
Hon. James Anthony R. Cuenco	..... Member
Hon. Alvin M. Dizon	..... Member
Hon. Eugenio F. Gabuya Jr.	..... Member
Hon. Noel Eleuterio G. Wenceslao Member
Hon. Philip S. Zafra Member

ABSENT:

N o n e.

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RESOLUTION NO. 13-1580A-2014

The Sangguniang Panlungsod of the City of Cebu, as moved by Member Andales and seconded by Member Gabuya Jr.;

RESOLVED, to conduct a Public Hearing on March 12, 2014 on the proposed ordinance of Member Ma. Nida C. Cabrera, entitled: "AN ORDINANCE PROVIDING FOR A SEPTAGE MANAGEMENT PROGRAM FOR THE CITY OF CEBU, PROVIDING FEES AND IMPOSING PENALTIES FOR NON-COMPLIANCE THEREFOR," to hear the sentiments of all stakeholders whether for or against the said proposed measure.

CARRIED UNANIMOUSLY.

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I hereby certify to the correctness of the above-quoted resolution.


MARY ANTONIETTE R. OLIVAR
Board Secretary

OFFICIAL COPY FOR:

All concerned parties.

/bkc

Res # 13-1321-2013
C. Cabrera - Adilla
12-11-13
12-11-13

PROPOSED RESOLUTION

RESOLUTION NO. _____

90

The Sangguniang Panlungsod of the City of Cebu, on motion of Member Cabrera,
Seconded by Member _____

RESOLVED, to approve this Ordinance:

PROPOSED ORDINANCE

Ordinance No. _____

**AN ORDINANCE PROVIDING FOR A SEPTAGE MANAGEMENT PROGRAM
FOR THE CITY OF CEBU, PROVIDING FEES AND IMPOSING PENALTIES
FOR NON-COMPLIANCE THEREOF**

WHEREAS, Section 15, Article II of the 1987 Philippine Constitution provides that the "State shall protect and promote the right to health of the people and instill health consciousness among them";

WHEREAS, Section 16 of Republic Act 7160, otherwise known as the Local Government Code of 1991, provides that local government units shall ensure and promote health and safety of the people;

WHEREAS, Republic Act 9275, otherwise known as the "Philippine Clean Water Act of 2004" mandates local government units to prepare a program on septage management and to share the responsibility in the management and improvement of water quality within their respective territorial jurisdictions;

WHEREAS, the "Philippine Clean Water Act of 2004" mandates local government units to appropriate the necessary land, including the required rights-of-way/road access to the land, for the construction of the sewage and/or septage treatment facilities;

WHEREAS, most of the septic tanks in the Philippines are only emptied when they overflow and many have open bottom thus allowing seepage of waste water to the ground which eventually contaminate ground water. Septic tanks that are full cannot provide primary treatment, so that the effluent is raw sewage;

WHEREAS, there is an urgent need to enact legislation to ensure proper wastewater treatment that will protect and promote the interest and welfare of the city and its constituents, in accordance with the provisions of the Local Government Code of 1991.

NOW THEREFORE, BE IT RESOLVED, AS IT IS HEREBY RESOLVED BY THE SANGGUNIANG PANLUNGSOD OF CEBU CITY, BY VIRTUE OF THE POWER VESTED IN IT BY LAW IN SESSION ASSEMBLED THAT:

SECTION 1. *Title* - This Ordinance shall be known as " **SEPTAGE MANAGEMENT PROGRAM ORDINANCE**" FOR THE CITY OF CEBU.

SECTION 2. *Declaration of Policy* - It is the policy of the City Government of Cebu to adopt measures to protect the health of the people and the environment by controlling and managing the storage, collection, transport, treatment, and disposal of septage or sludge from various sources.

SECTION 3. *Definition of Terms* - As used in this Ordinance, the following terms are defined as follows:

3.1. *CCENRO* - refers to the Cebu City Environment and Natural Resources Office.

3.2. *Disposal Fee* - refers to the fee paid by the de-sludging/hauling service provider to the Cebu City Government for the acceptance and treatment of wastewater, septage or sludge, and disposal of treated wastewater and bio solids at the Septage Treatment Facility managed by the Cebu City Government.

3.3. *DENR* - refers to the Department of Environment and Natural Resources.

3.4. *DOH* - refers to the Department of Health.

3.5. *Effluent* - refers to the discharge from known sources which is passed into a body of water or land, or wastewater flowing out of a manufacturing and/or industrial plant including domestic, commercial, and recreational facilities.

3.6. *EMB* - refers to the Environment Management Bureau.

3.7. *Environmental Sanitation Clearance (ESC)* - refers to the clearance issued by the Secretary of the Department of Health or his duly authorized representative, allowing the collection, handling, transport, treatment, and disposal of domestic sludge or septage.

3.8. *Excreta* - human waste composed of urine and feces.

3.9. *Groundwater* - refers to the sub-surface water that exists beneath a water table in solid and rocks or in geological formations.

3.10. *Septage* – refers to the sludge produced on individual onsite wastewater disposal systems principally septic tanks and cesspools;

3.11. *Septage Treatment Facility* – refer to the facility for the treatment of septage and its proper disposal managed by the Cebu City Government

3.12. *Septic tank* – refers to a watertight receptacle which receives the discharge of a plumbing system or part thereof, and is designed to accomplish the partial removal and digestion of the suspended solid matter in the sewage through a period of detention. Its construction shall be in accordance with specifications prescribed by the *Building, Plumbing, and Sanitation Code*.

3.13. *Service Provider* – refers to any individual, partnership or corporation, public or private, that is authorized to engage in the collection, desludging, handling, transporting, treating and disposing of septage or sludge from septic tanks, cesspools, portalets and sewage treatment plants.

3.14. *Sludge* – refers to any solid, semi-solid or liquid waste or residue generated from wastewater treatment.

3.15. *Treated Sludge* – refers to a sludge that has undergone treatment using acceptable methods and standards; said treated sludge can be reintroduced to the environment as material for compost, construction, filling, etc.

3.16. *Treatment* – means any method, technique, or process designed to alter the physical, chemical or biological and radiological character or composition of any waste or wastewater to reduce or prevent pollution.

3.17. *Waste* – refers to any solid, liquid, semisolid, contained gas or other forms resulting industrial, commercial, mining or agricultural operations, or from community and household activities that is devoid of usage and discarded.

3.18. *Wastewater* – refers to the waste in liquid state containing pollutants.

SECTION 4. Coverage and Application. - This Ordinance shall cover the entire territorial jurisdiction of the City of Cebu. It shall apply to all buildings and structures, whether public or private, residential or commercial, institutional or industrial, proposed, planned or existing, as well as all kinds of sea vessels whether foreign or local, private or government owned, found within the municipal waters of the City generating domestic sewage. However, properties or businesses that have an onsite wastewater and septage treatment facility certified by the Department of Environment and Natural Resources (DENR) and the Department of Health (DOH) to have treated sludge suitably shall be exempt.

SECTION 5. Right of Entrance and Inspection. – No person, after being fully notified, shall interfere with or obstruct the entrance to any premises, establishment, dwelling unit, or

vessel, of the proper city officials or duly authorized representatives in the discharge of their official functions under this Ordinance.

SECTION 6. *Septic Permit* - Upon the enactment of this Ordinance all new construction of septic tanks shall have a Septic Permit.

SECTION 7. *Sanitary Toilet Facility for Every House*. - Every house used for habitation shall be provided with a sanitary toilet of the type approved by the City Engineer/Building Official. In areas covered by small houses of light materials or temporary in nature and are close to one another, a communal excreta disposal system or other affordable alternative sanitation technologies adaptable to the local needs and conditions may be allowed.

SECTION 8. *Sanitary Toilet Facility in Every Building*. - Every building constructed in the City, whether public or private, intended to be used as dwelling quarters, or where persons are to be employed or to be occupied in any trade or business or a place of assembly, shall be provided by the owner/s with sufficient and suitable toilets facilities of the type and design approved by the City Engineer/City Building Official for the number of people dwelling therein or may be employed, occupied or assembled therein.

SECTION 9. *Septic Tank Design and Specification* - Septic tanks shall be the depository of all wastewater generated within the building or structure. Septic tanks must be watertight, multi-chambered (2-3), and accessible for de-sludging. The general design and construction requirements of septic tanks shall be in accordance with the provisions of the *Plumbing Code of the Philippines* specifically *Section 4 of its Implementing Rules and Regulations*, the *National Building Code of the Philippines*, and related Codes.

SECTION 10. *Pre-Treatment* - Septage from commercial or other non-residential facility is acceptable if the septic tank only receives wastewater typical of a household (e.i. from toilets and sinks). If the wastewater contains substances of commercial nature such as oil, fuel residue, metals, or high volumes of fat and grease, an appropriate pre-treatment program approved by the Environment Management Bureau (EMB) and/ or City Government must be in place.

SECTION 11. *Mandatory De-sludging of Septic Tanks* - For proper maintenance of septic tanks following the *DOH Operation Manual*, there shall be mandatory de-sludging of septic tanks every three (3) to five (5) years or when the tank is half full of sludge; provided that a household with less than ten (10) members shall de-sludge every five (5) years.

SECTION 12. *Disposal of Sewage*. - For the purpose of sewage disposal, the following shall apply to all public and private sewage and excreta collection and disposal

system project by any government agency or instrumentality including government-owned or controlled corporations, private organizations, firms, individuals or other entities:

a) Untreated sewage and septage or other putrescible or offensive wastes shall not be discharged onto the surface of the ground or into any street, road; alley, open excavation, stream water sewer, land drain ditch, adjoining property, watercourse or body of water.

b) Sewage and effluent of a septic tank or other putrescible, impure or offensive wastes shall not be discharged into an abandoned water supply well, spring, cistern or into a natural or artificial well, sink hole, crevices or other opening extending into limestone, sandstones, or other rock or shale formation.

c) Individual sewage disposal system utilizing leaching field, leaching beds, or leaching wells shall not be permitted where the depth to normal ground water or rock strata is less than 1.20 meters.

d) A leaching system shall not be installed in an area where the texture, structure and porosity of the soil are not suitable as determined by a percolation test performed by a registered civil/sanitary engineer. The local health authority may require as many percolation tests as may be necessary to determine the acceptability of the site.

e) No leaching tile field or bed shall be installed where percolation rate is less than 2.54 cm. (1 in.) fall in water level into the test holes in 60 minutes.

f) No seepage pit or leaching well shall be installed where the percolation rate is less than 2.5 cm (1 in.) fall in water into the test holes in 30 minutes.

g) No person shall install individual household sewage disposal system in a new subdivision, unless site is considered to be impracticable and inadvisable to install a public sewage collection system with the required treatment.

h) Individual sewage disposal system shall be installed on sufficient area and suitable topography to permit and ensure compliance with this Ordinance.

i) The design, construction, installation, location, maintenance and operation of individual sewage disposal system including septic tank, leaching tile fields, leaching beds, leaching wells, house sewers, privies and any other treatment system or part thereof shall comply with the minimum standards and engineering practices which are acceptable to the Cebu City Septage Management Board (CCSMB).

SECTION 13. Disposal Fee - To implement the initial stage and sustain the septage management program, the City Government shall impose a *Disposal Fee* upon accredited service providers, the amount of which shall be computed at per cubic meter of septage or sludge treated or disposed of at the Septage Treatment Facility managed by the Cebu City Government to be determined by the Cebu City Septage Management Board (CCSMB).

Only service provider accredited by the Cebu City Septage Management Board (CCSMB) shall be allowed to treat and dispose septage or sludge at the Septage Treatment Facility managed by the Cebu City Government. There shall be an annual accreditation fee to be paid by the service provider which amount shall be determined by the Cebu City Septage Management Board (CCSMB).

SECTION 14. Administration of Funds - The revenues collected from the Disposal Fee and Accreditation Fee shall constitute a separate fund from the General Fund, and such funds shall accrue to the account of the CCENRO for the purpose of the City's Septage Management Program.

SECTION 15. Joint Ventures for the Establishment of Septage Treatment and Disposal Facility - The City Government shall actively participate in joint venture with any individual, partnership or corporation in the establishment of a septage treatment/disposal facility to cater to the septage management requirement of the city.

SECTION 16. Manifest System - The transport of domestic sludge and septage to the Septage Treatment Facility managed by the Cebu City Government requires a Manifest Receipt. The service provider must complete the Manifest Receipt by providing the following required information:

- a. Origin of sludge and septage indicating the name of the client, complete address, and contact numbers.
- b. Date and time of collection of sludge and septage.
- c. Source of sludge and septage (whether it is residential, commercial, or institutional).
- d. Estimated volume of sludge and septage collected (in cubic meters).
- e. Identity of service provider including the name of the operator, company, address, storage capacity of vehicle, plate number, body number, and name of driver.
- f. The Manifest Receipt shall be carried in the vehicle at the time of disposal of septic sludge.
- g. The customer's copy shall be issued to the customer only after it has been duly verified and received at the Septage Treatment Facility.
- h. A CCENRO copy of the Manifest Receipt shall be attached to the monthly regular report of the service provider.
- i. The Septage Treatment Facility shall likewise provide copies of their Manifest Receipts in submitting their regular reports.

- j. Date and time when the sludge and septage is received at the Septage Treatment Facility.

The service provider is required to retain copies of the Manifest Receipts for a minimum of three (3) years. (See Section 13 on reporting requirements). All Manifest Receipts shall be registered with the CCENRO. A fee of Five Hundred Pesos (Php 500.00) per booklet of 50 sets of Manifest Receipts shall be charged as Registration Fee.

SECTION 17. Report and Monitoring Mechanism - The service provider shall retain its records for a minimum of five (5) years. Each service provider shall submit a quarterly Report to the CCENRO on or before the 15th of the month following the end of the quarter.

Information for recordkeeping and report shall include, but are not limited to, the following:

1. Pumping activity and volume recorded in log book;
2. Filled out Manifest Receipts;
3. Notes on deficiencies of the septic tank (cracks, missing pipes or fittings, improper manholes or access ports);
4. Inventory of tools; and
5. De-sludging schedule.

SECTION 18. Creation and Composition of the Cebu City Septage Management Board - A Cebu City Septage Management Board (CCSMB), which shall be responsible for administering and coordinating the implementation of the Cebu City Septage Management Plan, is hereby created and shall consist of the following members:

Chairperson: The Cebu City Mayor, or his/her duly designated representative

Vice Chairperson: Chairperson of the SP Committee on Public Services or his/her duly designated representative

Members: Chairperson, SP Committee on Environment or his/her duly designated representative

Cebu City Environment and Natural Resources Office (CCENRO) or his/her duly designated representative

Department of Public Services (DPS) or his/her duly designated representative

City Health Department or his/her duly designated representative

President, Association of Barangay Councils (ABC) or his/her duly designated representative

Regional Director, Environmental Management Bureau (EMB 7) or his/her duly designated representative

General Manager, Metropolitan Cebu Water District (MCWD) or his/her duly designated representative

President, Pollution Control Association of the Philippines, Inc. (PCAPI 7) or his/her duly designated representative

Head, Association of Septic Haulers duly accredited by the City of Cebu or his/her duly designated representative

SECTION 19. Powers, Functions, and Duties of CCSMB - It is the role and responsibility of CCSMB:

1. To serve as the consultative body for the Cebu City Septage Management Plan;
2. To cause the implementation or installation of community septic tanks in depressed or low income areas;
3. To designate areas for the establishment of sewerage and/ or septage treatment facilities and for its disposal;
4. To issue notices of non-conformity to households, establishments, etc.;
5. To receive and evaluate notarized applications for ESCs and supporting documents from service providers;
6. To receive, evaluate, and issue accreditation from service providers to treat and dispose of septage and sludge at the Septage Treatment Facility;
7. To authorize project site inspections;
8. To endorse the application for ESCs to DOH upon compliance with all the required documents; and
9. To exercise such other functions necessary for the effective and efficient implementation of this Ordinance.

SECTION 20. Regular Meetings, Quorum, and Honorarium of CCSMB - Regular meetings shall be held at least two (2) times a month but not more than four (4) times a

month, unless a special meeting is called for by the Chairman. Quorum shall constitute majority of the members present.

For every meeting attended, the member shall receive a minimum amount of One Thousand Pesos (Php1,000.00), but not to exceed Four Thousand Pesos (Php4,000.00) per month.

For consultation and improved coordination of national government policies and programs and extension of adequate technical and material assistance pursuant to Sections 2 (c), 3 (k), and 25 (b) of Republic Act No. 7160 or the Local Government Code of the Philippines, representatives of the implementing national agencies such as the Department of Environment and Natural Resources (DENR), Department of Health (DOH), National Water Resources Board (NWRB), and Department of Public Works and Highways (DPWH) must be notified of the said regular meetings whenever necessary.

SECTION 21. Role of the Cebu City Environment and Natural Resources Office (CCENRO) - CCENRO shall have the following roles:

1. The CCENRO shall be the office primarily responsible for the implementation of this Ordinance, which includes, but not limited to, administration, enforcement, coordination, and monitoring activities.
2. The CCENRO, in coordination with the City Planning and Development Office (CPDO), shall initiate and facilitate the development of the City's Septage Management Program. The Septage Management Program shall be submitted to the Mayor within one year after the approval of this Ordinance; and
3. Perform such other function which shall allow effective and efficient implementation of this ordinance.

SECTION 22. Role of the City Health Department - The City Health Department, through the office designated by the City Health Officer, shall:

1. Assist the CCSMB and CCENRO in the conduct of inspection and monitoring on de-sludging service providers, establishments with in-house wastewater treatment facilities, and establishments operating septage treatment facility.
2. Conduct inspection and verification of septic tanks, in coordination with the Office of the Building Official (OBO), if the same are in conformity with existing ordinances and regulations; and
3. Serve as liaison for the CCSMB to the Department of Health (DOH).

SECTION 23. *Role of the Office of the Building Official* - The Building Official shall have following roles:

1. Conduct inspection and verification of septic tanks, in coordination with the City Health Department, if the same are in conformity with existing ordinances and regulations; and
2. Review submitted construction plans of septic permit applicants;

SECTION 24. *Role of the Barangay* - The Office of the Barangay Captain shall have the following roles:

1. Submit baseline information regarding septic tank usage in the barangay, which shall include the number of households using septic tanks and those without it and shall likewise submit an annual report which shall include new constructions of septic tanks or absence of septic tanks in households/establishments;
2. Conduct regular information and education campaign to encourage its constituents to use septic tanks and properly maintain them through regular desludging;
3. Require service providers to present Manifests Receipt for every de-sludging conducted in the barangay and verify each desludging activity in the barangay as required in the manifest system;
4. Report to the CCENRO any de-sludging activity conducted in the barangay;
5. Coordinate efforts to improve the usage of septic tanks with the CCENRO for the establishment of communal or individual septic tanks in the barangay;
6. Perform such other function which shall allow effective and efficient implementation of this ordinance.

SECTION 25. *Prohibited Acts* - The following shall be prohibited acts:

1. Transportation of septage by service provider without Manifest Receipt;
2. Failure of service provider to secure accreditation;
3. Failure of the service provider to present Manifest Receipt when required;
4. Improper disposal of septage by the service provider;
5. Failure to desludge septage when required;
6. No septic permit for septic tanks;

7. Non-conformity of septic tanks;
8. Failure of contractors to construct a septic tank for any building constructed;
9. Failure of the service provider to submit required regular reports to CCENRO;
10. Issuance of unregistered Manifest Receipts by the service providers;
11. Household without toilets and/or septic tanks or construction of residential, commercial, industrial or institutional buildings without toilet facilities; and
12. Operation of sewage treatment/ disposal facility without permit;

SECTION 26. Penalties - Any service provider who shall violate the above-mentioned acts shall be penalized with Five Thousand Pesos (Php 5,000.00) for every violation.

Any service provider who shall improperly dispose of septage waste shall be penalized with Five Thousand Pesos Php 5,000.00 for every violation of septage improperly disposed.

In addition, service provider who shall violate Prohibited Act No. 4 shall be imprisoned for not more than one (1) year at the discretion of the court.

SECTION 27. Separability - If for any reason or reasons, any part or provision of this Ordinance shall be held unconstitutional or invalid, other parts or provisions hereof which are not affected thereby shall continue to be in full force and effect.

SECTION 28. Effectivity - This Ordinance shall take effect fifteen (15) days after publication in a newspaper of local circulation.

CARRIED _____

RESPECTFULLY SUBMITTED:


NIDA C. CABRERA
City Councilor