Republic of the Philippines
Province of Samar
Municipality of Pinabacdao
OFFICE OF THE SANGGUNIANG BAYAN

MUNICIPAL ORDINANCE NO. 23- 18

Series 2023

AN ORDINANCE GOVERNING THE USE OF FIRECRACKERS AND PYROTECHNICS IN THE MUNICIPALITY OF PINABACDAO, PROVINCE OF SAMAR.

WHEREAS, to prevent injuries, damage to properties, and other health effects, as a matter of public safety, there is a need to regulate the use of firecrackers and pyrotechnic devices;

WHEREAS, in this regard, Republic Act No. 7183 and its Revised Implementing Rules and Regulations provide for the regulation and control of firecrackers and pyrotechnic devices;

WHEREAS, Section 16 of Republic Act No. 7160 or the "Local Government Code of 1991" provides that local governments shall exercise the powers expressly granted, those necessary implied therefrom, as well as powers necessary, appropriate, or incidental for efficient and effective governance and those which are essential to the promotion of the general welfare;

NOW THEREFORE, BE IT ORDAINED, AS IT IS HEREBY ORDAINED, by the Sangguniang Bayan herein assembled:

Section 1. Title – This Ordinance shall be known as the **"Firecrackers and Pyrotechnic Devices Ordinance"** of the Municipality.

Section 2. Purpose – It is the purpose of this Ordinance to regulate and control the use of firecrackers and pyrotechnic devices to minimize the risk of injuries and casualties, to protect the environment, the further public safety and security, and to the enhancement of cultural traditions.

Section 3. Coverage – This Ordinance shall apply to all persons or entities, whether public or private, engaged in the use or trade of firecrackers and pyrotechnic devices within the territorial jurisdiction of Pinabacdao.

Section 4. Definition of Terms.

A. **Community Fireworks Display –** refers to the use of firecrackers and pyrotechnic devices contained in the designated Fireworks Zone, and conducted on the occasion or as part of a celebration, competition, or similar events, authorized by the Local Government of Pinabacdao, Samar through a permit, in coordination with the PNP and Bureau of Fire Protection (BFP), specifying the date and time of the fireworks display and the specific area in which the display will be conducted, in conformity with national standards, rules, and regulations;

B. **Fireworks –** refers to firecrackers and pyrotechnic devices;

C. **Firework Zones –** refers to the Municipality's designated area/zone where the Community Fireworks Display can be suitably conducted;

D. **Firecrackers –** refers to loud, explosive devices wrapped in paper or cardboard casing containing an explosive compound and usually lit with a fuse, primarily designated to produce a sound usually in the form of a loud bang, and any visual effect thereto is merely incidental to the nature of its effect and purpose, including but not limited to baby rocket, bawang and small triangulo;

E. **Pyrotechnic Devices –** refers to fireworks that utilize visuals such as colored lights, flames, smoke, sparks, flashes, etc, as primary effects, and any sound effect thereto is merely incidental to the nature of their effects and purpose, including but not limited to sparklers, luces, and fountain;

Section 5. Ban on Individual, Personal or Household Use of Firecrackers

A. The individual, personal or household use of firecrackers of any kind shall be banned. Firecrackers shall be allowed only within Community Fireworks Displays as defined above,

B. Pursuant to Executive Order No. 28 s. 2017, this firecracker ban shall not cover pyrotechnic devices, which may be used within or outside Community Fireworks Displays, subject to applicable laws and regulations.

Section 6. Designated Fireworks Zones

A. The Local Government Unit, in coordination with the PNP and BFP, shall assess and determine specific areas within the Municipality to be designated as firework zones, where Community Fireworks Displays may be conducted.

B. The following criteria shall be considered for determining designated fireworks zones:

1. Population within the area;

2. Availability of emergency medical staff or first aid responders and necessary tools and equipment;

3. Availability of firefighting equipment;

4. Safe distance of more than 100 feet (30 meters) away from residential areas; and

5. Such other factors which may be relevant to the safety of residents in the area.

Section 7. Community Fireworks Displays.

Application for permit/s to conduct Community Fireworks Display may be filed by a business establishment, homeowners' association, or other recognized community organization, indicating the specific date and time of the activity, and the type of fireworks to be used. The Local Government may grant the permit subject to compliance with applicable laws and regulations, including but not limited to the following safety standards:

1. Fireworks must be fired at a distance at least 100 feet (30 meters) away from persons.

2. All fireworks shall project skywards.

3. A responsible person with sufficient fireworks handling and safety knowledge shall supervise the fireworks display.

4. First aid and fire protection equipment (at the minimum, a fire extinguisher and a large drum filled with water) shall be on hand during the display;

5. The nearest fire station shall be notified at least 24 hours prior to the start of the event.

Section 8. Fireworks Dealers.

Aside from the usual business permits, fireworks dealers must obtain clearance from the Local Government of Pinabacdao, presenting the applicable PNP license. The local government may grant the clearance subject to compliance with applicable laws and regulations, including but not limited to the following safety standards:

1. Each stall must have a minimum of one (1) fire extinguisher and one (1) large drum filled with water.

2. No smoking within 15 meters of any fireworks.

3. No stoves, heaters, exposed flames or other fire hazards within 15 meters of any fireworks.

4. No testing of any fireworks.

5. No sales to minors.

6. No storage or retail displays for the actual/ physical fireworks inside malls or similar establishments.

7. No sales of any fireworks totally banned by the PNP.

Section 9. Absolute Prohibitions.

A. From time to time, pursuant to Republic Act No. 7183 and its Revised Implementing Rules and Regulations, the PNP issues a list of totally banned fireworks that may not be used under any circumstances, whether inside or outside Community Fireworks Displays, including but not limited to Super Lolo, Lolo Thunder, Atomic Bomb, Watusi, oversized or overweight firecrackers, and firecrackers with a fuse that burns in less than three (3) seconds or more than six (6) seconds. Such a list of totally banned fireworks shall be deemed automatically integrated into this Ordinance and the manufacturer, sale, or use of such totally banned fireworks shall constitute a violation punishable under this Ordinance.

B. No fireworks of any kind may be sold to, or used by minors.

Section 10. Surveillance and Reporting.

A. All fireworks-related injuries shall be reported, if any, to the Local Health Office, which in turn shall submit a regular report, if any, to the Department of Health in accordance with the 2020 Revised IRR of RA No. 11332 entitled "Mandatory Reporting of Notifiable Diseases and Health Events of Public Health Concern Act."

B. All cases of firecrackers and pyrotechnic devices related injuries, if any, in the Municipality shall be consolidated and reported monthly by the Local Health Office to the Department of Health through the Online National Electronic Injury Surveillance System, in accordance with the Rule 6 of the 2017 Implementing Rules and Regulations Governing the Administration and Enforcement of Executive Order No. 28, series of 2017.

Section 11. Penalties. Any person that violates the provisions of this Ordinance shall be penalized with imprisonment of not more than six (6) months and/or a fine of not more than Two Thousand Five Hundred Pesos (P2, 500.00) at the discretion of the court. Businesses that violate this Ordinance shall be subject to summary revocation of their business permit. The foregoing shall be without prejudice to existing penalties and sanctions under RA No. 7183 and other relevant laws and regulations.

Section 12. Separability Clause. If any provision/s or part/s of this Ordinance is declared unconstitutional or invalid, the provisions thereof not affected by such declarations shall remain in full force and effect.

Section 13. Repealing Clause. All ordinances, resolutions, issuances or parts thereof, inconsistent with the provisions of this Ordinance are hereby repealed, amended, or modified accordingly.

Section 14. Effectivity. This Ordinance shall take effect after its posting at prominent places in the Municipal Hall for three (3) consecutive weeks and after its publication.

Done, in the Municipality of Pinabacdao, Samar, this 28th day of December in the year of 2023.

UNANIMOUSLY APPROVED.

HON. JOSE SANTIAGO T. QUIJANO
SB Member

HON. ELISEO B. CABORNAY
SB Member

HON. JOEL R. PAGAYRA
SB Member

HON. NESTOR C. OCENAR
SB Member

HON. ARLYN C. MABUTE
SB Member

HON. ROSEMARIE T. BADENAS
SB Member

HON. NINO A. RAGA
SB Member

HON. REYNALDO C. TUAZON
SB Member

HON. WILMA P. ESOY

ABC Pres./Ex-Officio Member

HON. JOSEPH ULDANE O. GACULA

SK Fed. Pres./Ex-Officio Member

I HEREBY CERTIFY the correctness of the foregoing Municipal Ordinance which was duly adopted by the Sangguniang Bayan of Pinabacdao, Samar during its regular session.

MARY BERNADETTE T. QUIJANO

Secretary to the Sangguniang Bayan

ATTESTED:

HON. EDGAR M. TONELETE

Vice- Mayor/Presiding Officer

APPROVED:

HON. TEODORICO A. MABAG

Municipal Mayor

03 JAN 2024

(Date Signed)