



Republic of the Philippines
CITY OF CAGAYAN DE ORO
OFFICE OF THE CITY COUNCIL

(08822) 724854; (088) 857-4029; 857-4035; 857-2258



ORDINANCE NO. 9996-2006

AN ORDINANCE ESTABLISHING A BIRDSTRIKE HAZARD ZONE WITHIN THE TWO AND HALF MILES (FOUR KILOMETERS) RADIUS FROM THE LUMBIA AIRPORT; PROHIBITING THEREIN THE BREEDING, RAISING, SELLING, DOMESTICATION AND GAME RACING OF PIGEONS AND OTHER SPECIES OF FLYING BIRDS, KITE FLYING AND OPERATING OF REMOTE-CONTROLLED SCALE-MODEL AIRCRAFT AND THE LIKE; PROVIDING GUIDELINES IN HANDLING BIRDSTRIKE HAZARD; PROVIDING PENALTY FOR VIOLATION THEREOF; AND FOR OTHER PURPOSES

Whereas, mid-air and on-ground collisions between birds and aircraft happen very frequently, damaging airframes and engines, killing birds and seriously endangering passengers and aircrew;

Whereas, birdstrike is one of the leading causes of aviation accidents in the world including the Philippines, resulting to the damage or loss of lives, limb and properties;

Whereas, some of the reasons for the prevalence of birds near the airport are the presence of wetlands and large grassy areas, and the breeding or raising of pigeons and other racing pet birds in proximity to the airport;

Whereas, it is imperative and cogent to prohibit human activities that constitute and pose as hazard to the operation, safety and security of the city's airport;

Now, Therefore:

BE IT ORDAINED by the City Council (*Sangguniang Panlungsod*) of the City of Cagayan de Oro in session assembled that:

SECTION 1. - PURPOSE. - It is the purpose of this Ordinance to regulate game racing and the keeping, breeding, raising, and harboring of pigeons, wild pigeons, and wild birds in Cagayan de Oro City in a way to ensure aviation safety and security, prevent the creation of nuisances, and prevent damage to property.

SECTION 2. - DEFINITION. - For the purpose of this Ordinance, the term "Birdstrike" shall refer to the collision of bird/s and any aircraft whether mid-air or on the ground.

SECTION 3. - BIRDSTRIKE HAZARD ZONE. - The area within two and half miles (four kilometers) radius from the Lumbia Airport is hereby established as a Birdstrike Hazard Zone.

SECTION 4. - PROHIBITIONS. - The following acts or activities are deemed unlawful and shall be prohibited within the Birdstrike Hazard Zone:

- 4.a The breeding, raising or domesticating, or the game racing of pigeons and other species of both domesticated and wild flying birds, except when confined at all times to an enclosed pigeon loft, bird cage and/or aviary.
- 4.b The flying of kite or operating remote-controlled scale-model aircrafts and similar toys or equipment that may hamper the airport's daily flight operation.

SECTION 5. - DUTIES OF OWNERS OF PROPERTIES WITHIN THE BIRDSTRIKE HAZARD ZONE:

- 5.a It shall be the responsibility of the owner of a property within the Birdstrike Hazard Zone to use reasonable means, in consultation with the City Local Environment and Natural Resources Office (CENRO), Department of Environment and Natural Resources (DENR), Air Transportation Office (ATO) or other competent authorities, to prevent the raising, roosting, nesting, or harboring of wild pigeons or wild birds on any building, home,



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or other structures. Such means may include, but not necessarily be limited to, egg and nest removal, trapping, screening, or the elimination of roosting areas in accordance with RA 9147, otherwise known as the Wildlife Resources Conservation and Protection Act, and its Implementing Rules and Regulations.

- 5.b It shall also be the responsibility of property owners and the developers of golf courses and commercial subdivisions located within the Birdstrike Hazard Zone who are maintaining ponds, wetlands, grassy parks or similar sites to develop a program to reduce the attractiveness of the sites to bird species that are hazardous to aviation safety.

For this purpose, they shall ensure that the golf courses and subdivision parks are monitored on a continuing basis for the presence of hazardous wildlife. If hazardous wildlife is detected therein, they shall take corrective actions immediately in coordination with the CLENRO, DENR, ATO, and/or the Aviation Security Group (ASG).

SECTION 6. - ENFORCEMENT. - The City Local Environment and Natural Resources Officer in coordination with the DENR, ATO, and/or ASG shall be responsible for the administration and enforcement of this Ordinance, and in addition to any other powers vested on him by law, shall:

- 6.a Make joint inspections with the DENR and ATO, upon the presentation of proper credentials, of any pigeon loft, place, or property where pigeons are kept, or place where wild pigeons or wild birds or both roost, nest, or harbor. The inspections may be made with the consent of the owner(s) or other responsible person(s). If consent is not granted, a search may be made pursuant to an administrative search warrant issued by a court of competent jurisdiction.
- 6.b Issue orders as necessary to effect the purpose of this Ordinance; and
- 6.c Do any and all legal acts necessary for the successful enforcement of this Ordinance.

SECTION 7. - HANDLING BIRDSTRIKE HAZARD:

- 7.a In the event that flying domesticated or wild birds are found within the Birdstrike Hazard Zone, the CLENRO Officer, within 24 hours from receipt of the information, shall conduct inspection thereat to validate such report or findings, and after verification shall immediately confer with the DENR, ATO and ASG for the purpose of determining if the bird species pose/s imminent danger to the life or limb of a human being.
- 7.b After deciding that the bird species is/are a threat to aviation safety and security, the CLENRO, DENR, ATO and ASG shall right away issue a joint certification declaring the bird/s as birdstrike hazard and subject for removal therefrom or for destruction by means of the following:
- 7.b.1 Use of indigenous bird traps, locally known as *lit-ag*;
 - 7.b.2 Use of tranquilizer guns;
 - 7.b.3 Use of water cannon;
 - 7.b.4 Removal of bird eggs, nest or roosting/perching areas;
 - 7.b.5 Use of slingshot or firearm, which shall only be resorted to as a last course of action after all other methods above failed within a three-day attempt period.

SECTION 8. - PENALTY:

- 8.a Any person found guilty of violating any provision of this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed Five Thousand Pesos (₱5,000.00) or by imprisonment for a period not to exceed six (6) months, or both such fine and imprisonment.

[Handwritten signature and initials]



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- 8.b Each day such violation is committed or permitted to continue shall constitute a separate violation.
- 8.c The city legal officer may initiate legal action, civil or criminal, as requested by the CLENRO Officer to abate any condition that exist in violation of this Ordinance.
- 8.d Domesticated flying birds and wild birds found within the Birdstrike Hazard Zone shall be removed, confiscated, disposed or taken out in accordance with the provisions of Republic Act No. 9147, otherwise known as the Wildlife Resources Conservation and Protection Act, and its Implementing Rules and Regulations.

SECTION 9. - REPEAL. - All ordinances, resolutions and issuances and parts thereof in conflict with the provisions of this Ordinance are hereby repealed or modified accordingly.

SECTION 10. - SEVERABILITY. - If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

SECTION 11. - EFFECTIVITY. - This Ordinance shall take effect after fifteen (15) following its publication in a local newspaper of general circulation.

UNANIMOUSLY APPROVED.

AUTHOR: VICE MAYOR MICHELLE T. SPIERS

Present:

- Councilor Juan Y. Sia, Author	- Councilor Annie Y. Daba, Author
- Councilor Edgar S. Cabanlas, Author	- Councilor Ian Mark Q. Nacaya, Author
- Councilor Alfonso C. Goking, Author	- Councilor Reynaldo N. Advincula, Author
- Councilor Caesar Ian E. Acenas, Author	- Councilor Maryanne C. Enteria, Author
- Councilor Zaldy O. Ocon	- Councilor Alexander S. Dacer, Author


On Official Business: - Councilor Jose Benjamin A. Benaldo, **Author**

Out of the Session Hall:- Councilor Alvin R. Calingin - Councilor Simeon V. Licayan, **Author**

DONE in the City of Cagayan de Oro this 20TH day of February 2006.

I hereby certify to the correctness of the aforesated Ordinance.

Attested as duly enacted:

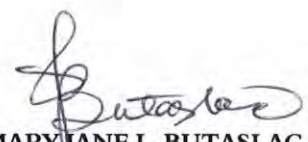

MICHELLE T. SPIERS
 CITY VICE MAYOR
 PRESIDING OFFICER


ARTURO S DE SAN MIGUEL
 CITY COUNCIL SECRETARY

Approved:


VICENTE Y. EMANO
 CITY MAYOR

Attested:


MARY JANE L. BUTASLAC
 ASSISTANT CITY BUDGET OFFICER