PO2009-51

60th Regular Session

ORDINANCE NO. 1940, 2009

AN ORDINANCE REQUIRING ALL NEW BUILDING AND HOUSING CONSTRUCTIONS TO PLANT AND MAINTAIN VEGETATIONS IN THEIR ROOFTOPS.

Introduced by Councilors FRANZ S. PUMAREN, VICTOR V. FERRER, JR., WINSTON "Winnie" T. CASTELO, VOLTAIRE GODOFREDO L. LIBAN III, WENCEROM BENEDICT C. LAGUMBAY, JAIME F. BORRES, ANTONIO E. INTON, JR., JESUS MANUEL C. SUNTAY, JANET M. MALAYA, BAYANI V. HIPOL and CONCEPCION S. MALAÑGEN.

Co-Introduced by Councilors Francisco A. Calalay, Jr., Bernadette Herrera-Dy, Dorothy A. Delarmente, Joseph P. Juico, Ricardo T. Belmonte, Jr., Ramon P. Medalla, Allan Butch T. Francisco, Eden "Candy" A. Medina, Aiko S. Melendez, Jorge B. Banal, Jr., Dante M. De Guzman, Diorella Maria G. Sotto, Edcel B. Lagman, Jr., Vincent DG. Belmonte and Alexis Grace R. Matias.

WHEREAS, providing and maintaining a green roof layered with soil and plants atop houses and buildings adds not only natural beauty to a landscape but also helps reduce the heat in the City and provides a roof garden habitat for insects, birds, and other wildlife;

WHEREAS, majority of the areas in our City are made primarily in shades of gray and black and other drab colors because of asphalted roads and tar roofs;

WHEREAS, these man-made materials (cemented and asphalted buildings and roads) soak up the sun's radiation and reflect it back as heat, making our City suffer from higher temperature;

WHEREAS, if all the roofs in this City were "greened", the temperature in the City could be reduced;

WHEREAS, the impermeable quality of traditional building materials makes storm water a problem, since there is nothing to prevent rainwater from rushing off rooftops, collecting pollution and heavy metal contamination along the way, and then overburdening the City's sewage system;

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WHEREAS, Green Establishment strategies have been found to hold the pollutants in their soil while retaining the water and subsequently allowing it to return to the atmosphere through evaporation;

WHEREAS, concrete landscapes offer nothing to support the insects, birds, and other wildlife that depend on vegetation to survive;

WHEREAS, much like planting native gardens and backyard habitats, roof gardens can complement wild areas by providing "stepping stones" for birds and other wildlife facing shortages of natural habitat;

WHEREAS, even in high-rise urban settings, it has been found that green roofs can attract beneficial insects, birds, bees and butterflies;

WHEREAS, Green Roofs have been found to extend roof life and to reduce cooling costs dramatically;

WHEREAS, global warming is now a serious threat and poses great danger to all living creatures including mankind;

WHEREAS, it is the duty of the Quezon City Government to prevent and fight global warming so as to protect also its populace against its detrimental effects;

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF QUEZON CITY IN REGULAR SESSION ASSEMBLED,

SECTION 1. This Ordinance shall be known as the "GREEN ROOF ORDINANCE OF QUEZON CITY"

SECTION 2. DEFINITION OF TERMS. For purposes of this ordinance, the following terms are defined:

a) GREEN ROOF - refers to buildings, either residential or commercial, that have rooftops that are dedicated to plants and trees.

b) INTENSIVE SOIL LAYER - refers to a roof with about twelve (12) inches height of soil suitable for planting and maintaining a wide variety of plants and trees.

c) EXTENSIVE SOIL LAYER - refers to a roof with about three (3) inches height of soil suitable for planting and maintaining a limited

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d) *PLANTS AND TREES - refer to live flowering and non-flowering plants, as well as live fruit and non-fruit bearing plants.*

e) *BUILDING - refers to residential, commercial or industrial establishments.*

f) *NEW BUILDINGS - refer to buildings that will be established or constructed after the enactment/approval of this ordinance.*

g) *OLD BUILDINGS - refer to buildings established or constructed before the enactment or approval of this ordinance. It shall also refer to those already under construction at the time this ordinance is approved.*

h) *GOVERNMENT OWNED BUILDINGS - refer to buildings owned by the local and the national government located in Quezon City.*

SECTION 3. GREEN ROOFS FOR NEW BUILDINGS

a) *All new buildings are required to devote at least thirty percent (30%) of their roof area for plants and trees, either with an extensive or intensive soil layer.*

b) *No real property tax shall be assessed against the value of the floor area dedicated to plants and trees. This exemption shall be available for ten years starting from the initial assessment.*

c) *As a condition precedent, no building permit and occupancy permit will be issued unless the owner has complied with this requirement.*

d) *The roof top devoted to plants and trees must be layered with soil wherein the said plant or tree is planted. The use of any kind of pots for the plants will not suffice.*

SECTION 4. GREEN ROOFS OF OLD BUILDINGS

a) *All existing buildings which devote at least thirty percent (30%) of their roof areas for plants and trees shall be entitled to a discount on the real property tax equivalent to the assessed value of the floor area dedicated to plants and trees. The discount shall be available for ten (10) years starting from the completion of the improvement.*

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b) The roof top devoted to plants and trees must likewise be layered with soil where the said plant or tree is planted. The use of any kind of pots for the plants will not suffice.

SECTION 5. GOVERNMENT BUILDINGS.

a) All new government-owned buildings must devote at least thirty percent (30%) of their roof areas for plants and trees.

b) All existing government-owned buildings are also highly encouraged to devote at least thirty percent (30%) of their roof areas plants and trees.

SECTION 6. CERTIFICATION. – A Certification shall be given by the City Government after checking that the building plan complies with the green roof requirement. The Certification shall be an additional requirement in getting a building permit and occupancy permit.

SECTION 7. MAINTENANCE.

The owners of the building or house shall make sure that the vegetation is maintained and watered regularly.

SECTION 8. PICTURES AS PROOF OF MAINTENANCE.

The grantee of the discount and the real property tax exemption in this ordinance must submit as proofs to the City Assessor's Department four (4) pieces 5R pictures/photographs of the area devoted to plants and trees. One shot from the north angle, one shot from the east angle, one shot from the west angle and one shot from the south angle. In all the angles, the latest broadsheet newspaper (the date must be seen) must be placed in the plants to indicate that the said picture/photograph is the latest. These four (4) pieces of 5R pictures/photographs must be submitted during the payment of the annual tax on real properties.

SECTION 9. COVERAGE.

Except those expressly excluded in the succeeding section, all new building and new housing constructions are covered by this ordinance.

SECTION 10. EXCLUSIONS.

The following are excluded from the coverage of this Ordinance:

a) Row houses and socialized housing projects that have devoted at least thirty percent (30%) of their compound to gardens or plants and trees.

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b) Churches, temples, house of praise, and other Holy establishments.

SECTION 11. PROHIBITIONS.

a) No plant or tree growing taller than six (6) feet shall be planted on roof tops.

b) Planting of illegal plants, in addition to other penalties from National Laws, shall cause the revocation of the building permit and occupancy permit.

SECTION 12. IMPLEMENTING AGENCY. - The City Assessor's Department, Environmental Protection and Waste Management Department (EPWMD), City Planning and Development Office, the Department of Engineering, and the City Treasurer's Office are mandated to make the Implementing Rules and Regulations and to implement the provisions of this code.

SECTION 13. PENALTIES.

a) Violation of any provision in this ordinance is punishable with a fine of Five Thousand Pesos (P5,000.00), imprisonment of Fifteen (15) days, or both fine and imprisonment at the discretion of the court.

b) In addition to the fine and/or imprisonment in the preceding paragraph, the building permit and occupancy permit shall be revoked.

SECTION 14. REPEALING CLAUSE.

Any ordinance, rules and regulations, issuances or circulars inconsistent with the provisions of this Code are hereby repealed or modified accordingly.

SECTION 15. SEPARABILITY.

If any provisions of this ordinance are declared by a competent court to be null and void, it shall not affect the other provisions that shall continue to be in full force and effect.

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SECTION 16. EFFECTIVITY.

This Ordinance shall take effect thirty (30) days after its publication in a newspaper of general circulation.

ENACTED: June 22, 2009

JORGE B. BANAL, JR.
President Pro-Tempore
Acting Presiding Officer

ATTESTED:

DOROTHY D. LAGRADA, DPA
City Secretary

APPROVED: July 10, 2009

FELICIANO R. BELMONTE, JR.
City Mayor

CERTIFICATION

This is to certify that this Ordinance was APPROVED by the City Council on Second Reading on June 22, 2009 and was finally PASSED on Third/Final Reading on June 29, 2009.

DOROTHY D. LAGRADA, DPA
City Secretary

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