



The Philippine Tourist Destination

Republic of the Philippines
Province of Aklan
MUNICIPALITY OF MALAY



Development Legislation

Office of the Sangguniang Bayan

EXCERPT FROM THE MINUTES OF THE 18TH REGULAR SESSION OF THE SANGGUNIANG BAYAN OF MALAY, AKLAN (2016-2019) HELD AT THE SB SESSION HALL, POBLACION, MALAY, AKLAN ON JUNE 6, 2017.

Present:

- Hon. Abram L. Sualog, Municipal Vice Mayor, Presiding Officer
- SB Member Natalie C. Paderes
- SB Member Jupiter Aelred G. Gallenero
- SB Member Frolibar S. Bautista
- SB Member Lloyd B. Maming
- SB Member Maylynn A. Graf
- SB Member Dalidig Y. Sumndad
- SB Member Danilo G. Delos Santos
- SB Member Dante C. Pagsuguiron
- SB Member Julieta A. Aron, Liga President

Absent:

N o n e

X

X

X

MUNICIPAL ORDINANCE NO. 362
Series of 2017

AN ORDINANCE REGULATING THE USE OF UNMANNED AERIAL VEHICLES (UAVs) OR DRONES FOR RECREATIONAL PURPOSES OR OTHERWISE IN THE MUNICIPALITY OF MALAY, AKLAN AND PRESCRIBING PENALTIES FOR VIOLATIONS THEREOF

(SPONSORED BY: HON. JUPITER AELRED G. GALLENERO)

WHEREAS, Local Government Units are mandated to exercise the powers expressly granted, those necessarily implied therefrom, as well as powers necessary, appropriate, or incidental for its efficient and effective governance, and those which are essential to the promotion of the general welfare;

WHEREAS, the growing prevalence of Unmanned Aerial Vehicles (UAVs) or Drones in the Municipality of Malay, Aklan has created public safety concerns as well as security implications;

WHEREAS, the unregulated use of drones throughout the Municipality of Malay poses a threat to public health and safety;

WHEREAS, it is therefore imperative to regulate the use of these UAVs consistent with the regulations of the Civil Aviation Authority of the Philippines (CAAP), and the thrust of the Local Government in the promotion of tourism in the Municipality of Malay;

BE it Ordained by the Sangguniang Bayan of Malay in session duly assembled:

SECTION 1. DEFINITION OF TERMS. As used in this Ordinance, the following terms and/or phrases shall mean as follows:

1. **UAV** - means Unmanned Aircraft Vehicle, other than a balloon or a kite.

2. **CONTROLLER OF A UAV** - means a person who performs a function that would be, if the UAV were a manned aircraft, a function of its flight crew.
3. **CERTIFIED UAV CONTROLLER** - means a person certified by the Civil Aviation Authority of the Philippines (CAAP) to control or operate a drone or UAV.
4. **LARGE UAV** - means any of the following:
 - a) An unmanned airship with an envelope capacity greater than 100 cubic meters;
 - b) An unmanned powered parachute with a launch mass greater than 150 kilograms
 - c) An unmanned airplane with a launch mass greater than 150 kilograms;
 - d) An unmanned rotorcraft with a launch mass greater than 100 kilograms
 - e) An unmanned powered lift device with a launch mass greater than 100 kilograms
5. **SMALL UAV** - means UAV that is not a large UAV or a micro UAV.
6. **MICRO UAV** - means a UAV with a gross weight of 100 grams or less.
7. **REGULATED UAVS** - for purposes of this Ordinance, regulated UAVs shall mean small or micro UAVs for model, sports, hobby and/or recreational use.

SECTION 2. REGULATORY POLICY. APPROVAL OF OPERATION FOR REGULATED UAVS.

The following regulatory policy of the Municipality of Malay on Regulated UAVs shall be strictly observed.

- a) No person may operate a Regulated UAV without the approval of the Local Government Unit of Malay. Approval to operate shall be secured through registration and permit to control, subject to exceptions provided herein.
- b) The Local Government may impose conditions on an approval in the interest of public health, security and safety.
- c) Without limiting the generality of paragraph (b), the Local Government may impose conditions on approval:
 - c.1.) Prohibiting the operation of the Regulated UAV at night or in severe weather conditions;
 - c.2.) Requiring the Regulated UAV to stay within a specified area.
- d) In the grant of approval to operate a Regulated UAV, the Local Government shall take into consideration the 'airworthiness' of the UAV, any fail-safe design characteristics of the UAV, as well as the security of its communications and navigation systems.
- e) The operator of the Regulated UAV must comply with the conditions on the approval of its operation, and must satisfy the Local Government of its intention to operate the Regulated UAV with proper precautions to prevent the operation from being dangerous to people and property.

SECTION 3. REGISTRATION OF REGULATED UAVS.

- a) Taking exception from the applicability of Civil Aviation Authority of the Philippines (CAAP) regulations on UAVs, only Regulated UAVs shall be registered with the Local Government Unit of Malay.
- b) Certified UAV Controllers are exempted from registration under this Ordinance, whether a resident or not.
- c) Registration shall be mandatory to all residents of the Municipality of Malay.
- d) The amount of Five Hundred Pesos (₱500.00) shall be paid for the registration of a Regulated UAV.

SECTION 4. SPECIAL PERMIT TO CONTROL (SPC) REGULATED UAVS. SPECIAL PURPOSE.

- a) Any person, whether CAAP Certified or not, who intends to operate a regulated UAV within the Municipality of Malay, shall be required to secure a Special Permit to Control a regulated UAV, subject to restrictions provided under this Ordinance.
- b) The issuance of the Special Permit to Control (SPC) Regulated UAVs shall only be for special purposes. A special purpose under this Ordinance shall include, but not limited to, the following:
 - 1) Advertising and Promotions
 - 2) Weddings/Beach weddings
 - 3) Parties/ Beach parties
 - 4) Concerts
 - 5) Sports coverage
 - 6) Other analogous events/occasions

In the grant of SPC for special purposes, the Mayor's Permit, or any other official document attesting the existence of the event or occasion, shall be required in the application for SPC.

- c) The amount of ONE THOUSAND PESOS (₱1,000.00) shall be paid for the issuance of a Special Permit to Control (SPC), and shall be valid only for the duration of the event or occasion for which it was procured.
- d) The Special Permit to Control (SPC) Regulated UAVs shall not be transferable.

SECTION 5. REGULATED UAVS OPERATION RESTRICTIONS AND PROHIBITIONS. The following restrictions/prohibitions in the operation of Regulated UAVs shall be strictly observed.

a) OPERATION NEAR PEOPLE:

- a.1.) No person shall operate a Regulated UAV within Thirty (30) meters of a person who is not directly associated with the operation of a Regulated UAV.
- a.2.) Paragraph (a) shall not apply in relation to a person who stands behind the Regulated UAV while it is taking off.
- a.3.) Paragraph (a) also does not prevent the operation of a Regulated UAV within thirty (30) meters of a person if the UAV approaches no closer to the person than 10 meters horizontally and 30 feet vertically.

I HEREBY CERTIFY to the correctness of the afore-quoted Municipal Ordinance.



CONCORDIA S. ALCANTARA

Secretary to the Sangguniang Bayan

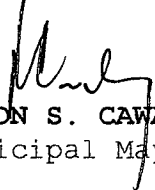
ATTESTED:



ABRAM E. SUALOG

Municipal Vice Mayor
Presiding Officer

APPROVED:



CECIRON S. CAWALING

Municipal Mayor