

(S. B. 2053)

**(No. 225-2011)**

(Approved November 21, 2011)

## **AN ACT**

To amend Sections 3, 7, 9, and 10 of Act No. 218-2008, known as the “Light Pollution Control and Prevention Program Act,” to provide that the regulations adopted thereunder shall be approved by the Permit Management Office, with the technical advise of the Environmental Quality Board, incorporate it into the Building Code, and make reference to the Permit Management Office; and for other purposes.

### **STATEMENT OF MOTIVES**

Act No. 218-2008, known as the “Light Pollution Control and Prevention Program Act,” was adopted to tackle the adverse effects of light pollution and ensure the total eradication of this kind of pollution that affects our skies. It is well-known that light pollution is not just an aesthetic issue; the effects thereof are various, to wit, the increase in the electric bills, increase in the energy demand, toxic residues of lamps, lack of safety due to bad lighting, wild animals leaving populated areas, alteration of the circadian rhythm of plants, and the loss of scientific knowledge as a result of the absence of proper view of the skies.

Moreover, Act No. 161-2009, as amended, known as the “Puerto Rico Permit Process Reform Act,” was recently adopted to modify and expedite the process to obtain permits in Puerto Rico and to oversee strict compliance with the public policy of protection, conservation, and sustainable use of our natural and environmental resources. This Act created, among other things, the Permit Management Office (also known as “OGPe,” Spanish acronym) that substituted the former Regulations and Permit Administration (ARPE, Spanish acronym).

As part of its ministerial duties, OGPe recently approved the new Building Code which integrates the most recent national and international regulations of the construction field that guarantees health and safety in new structures.

In order to control more effectively the light pollution that affects Puerto Rico, it is necessary that the regulatory provisions adopted under Act No. 218, *supra*, be an integrated part of the new Building Code and any other Building Code adopted in Puerto Rico in the future. Thus, it shall be guaranteed that every new construction project submitted for OGPe's consideration prevents light pollution and meets the established light efficiency standards.

***BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF PUERTO RICO:***

Section 1.- Section 3 of Act No. 218-2011, is hereby amended to read as follows:

“Section 3.- Section 3.- Definitions.-

For purposes of this Act, the following terms shall have the meaning stated below:

a) ‘Bioluminescence’.- means the capacity of some organisms, animals, or plants to emit light through certain chemical reactions.

b) ...

...

aa) ‘Management Office’ or ‘OGPe’ (Spanish acronym) shall mean the Permit Management Office created by virtue of Act No. 161-2009, as amended, known as the ‘Puerto Rico Permit Process Reform Act,’ and successor of the former Regulations and Permit Administration (ARPE, Spanish acronym), created by virtue of Act No. 76 of June 24, 1975, as amended, known as the ‘Organic Act of the Regulations and Permit Administration.’

bb) ...

cc) ...

- dd) ...
- ee) ...
- ff) ...
- gg) ...
- hh) ...”

Section 2.- Section 7 of Act No. 218-2011, is hereby amended to read as follows:

“Section 7.- Plans and Proof of Compliance.-

(a) The use of any kind of light system design, material, or installation method is hereby prohibited unless evaluated and approved by the Board, ARPE as of November 30, 2009, or OGPe, as applicable. To such effect, the outdoor use of the following is hereby prohibited:

...

(b) Any person who submits documentation to the Planning Board and/or OGPe, as applicable, to obtain the authorizations and permits required for a proposed work involving outdoor lighting systems must include, as part of the documents thus submitted, proof that the proposed work has been approved by or submitted for the approval of OGPe or the Board in connection with its environmental planning phase, by virtue of the provisions of Section 8.5 of Act No. 161-2009, and subsection (B)(3) of Section 4 of Act No. 416-2004, as amended.

Such documentation shall include the following information and shall not be construed to constitute a thorough listing,:

1. ...
2. ...
3. ...

4. If during the development of the new work, any variation in the proposed and approved lighting system is considered, such variation shall be first submitted to the attention of OGPe or the Board, if necessary, for the corresponding approval or processing, and subsequent approval of the Planning Board and/or OGPe, as appropriate.

(c) OGPe or the Planning Board, as the case may be, shall require proof of preliminary approval by the Program of the proposed lighting system as a requirement for the subsequent evaluation of any new work.”

Section 3.- Section 9 of Act No. 218-2011, is hereby amended to read as follows:

“Section 9.- Administrative Provisions.-

OGPe, with the technical advice of the Board shall adopt regulations as are necessary in accordance with Act No. 170 of August 12, 1988, as amended, to implement the provisions of this Act, which shall be incorporated to the Building Code adopted by OGPe. The regulations thus adopted shall include minimum general criteria for exterior lighting of buildings included in the New Energy Conservation Code. Furthermore, the information contained in the Building Code regarding light pollution shall undergo a disclosure process. Such rules shall ensure the implementation of corrective measures applicable to any existing area or work at the time of the approval of this Act, which shall include correction plans with maximum terms of six (6) years.

The Department and the Planning Board shall provide the Board and OGPe with any consulting, assistance, and support services that may be necessary to guarantee the efficient and adequate implementation of this Act, in terms of studies, development, and implementation.”

Section 4.- Section 10 of Act No. 218-2011, is hereby amended to read as follows:

Section 10.- Transitional Term.-

Once the provisions of this Act take effect, there shall be a transitional term to enable existing luminaries to comply with the provisions of this Act. As for existing public luminaries, the transitional term shall be six (6) years. As for existing private luminaries, the transitional term shall be twelve (12) years. Such twelve (12)-year transitional term shall also apply to projects under construction or which have been submitted to the former Regulations and Permits Administration for transacting any and all permits within the first six (6) months of effectiveness of this Act.

Within one hundred eighty (180) days as of the approval of this Act, the OGPe shall incorporate the regulations approved thereunder to the Building Code.”

Section 5.- If any provisions of this Act or the applicability thereof were held to be void, such holding shall not affect the remaining provisions of this Act or the applicability thereof, which shall continue in effect without the provisions held void, and to such purposes, the provisions of this Act are severable.

Section 6.- This Act shall take effect immediately after its approval.

## CERTIFICATION

I hereby certify to the Secretary of State that the following **Act No. 225-2011 (S. B. 2053)** of the **6<sup>th</sup> Regular Session of the 16<sup>th</sup> Legislative Assembly of Puerto Rico**:

**AN ACT** to amend Sections 3, 7, 9, and 10 of Act No. 218-2008, known as the “Light Pollution Control and Prevention Program Act,” to provide that the regulations adopted thereunder shall be approved by the Permit Management Office, with the technical advise of the Environmental Quality Board, incorporate it into the Building Code, and make reference to the Permit Management Office; and for other purposes.

has been translated from Spanish to English and that the English version is correct.

In San Juan, Puerto Rico, on this 11<sup>th</sup> day of August, 2014.

Juan Luis Martínez Martínez  
Acting Director