

H.B. 502

(No. 214)

(Approved September 28, 2006)

AN ACT

To amend Section 16 of Act No. 76 of June 24, 1975, as amended, for the purpose of providing that all commercial use permits issued by the Regulations and Permits Administration or any autonomous municipality authorized to do so, shall bear a printed notice to the effects that said establishment must comply with the standards fixed for the hourly schedule of operation established in the laws and regulations in effect or in the applicable municipal ordinances; and for other purposes.

STATEMENT OF MOTIVES

In past recent years many municipalities in Puerto Rico have adopted municipal ordinances through which they regulate the hourly schedule during which specific businesses may operate. That type of municipal ordinance is mainly oriented toward those businesses devoted to the sale of alcoholic beverages. Those ordinances establish a fine balance between the rights of certain citizens to have a good time and of others to enjoy peace and quiet in their homes.

Section 16 of Act No. 76 of June 24, 1975, as amended, empowers the Regulations and Permits Administration (ARPE, Spanish acronym) to issue construction and use permits for every building and structure in Puerto Rico. The intention of that delegation was to guarantee an orderly development in Puerto Rico that would respond to the plans laid out by said Administration.

Thus, after said Act was approved no works may be carried out without first obtaining the corresponding construction permit and subsequently the permit for use.

This Act amends Section 16 of Act No. 76 of June 24, 1975, as amended, for the purpose of providing that all commercial use permits issued by the Regulations and Permits Administration or any autonomous municipality authorized to do so, shall bear a printed notice to the effects that said establishment must comply with the standards set for the hourly schedule of operation established in the laws and regulations in effect or in the applicable municipal ordinances

BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:

Section 1.-To amend Section 16 of Act No. 76 of June 24, 1975, as amended, to read as follows:

“Section 16.-Use without permit prohibited-Development and use of land

From the effectiveness of the regulations heretofore or hereafter adopted pursuant to law for the development and use of land as well as for the construction and use of buildings, no land or building or any part thereof shall be used unless such use is in conformity with said regulations and in accordance with the permit granted by the Administration or by an authorized Autonomous Municipality, as provided in said regulations, in this Act or in any other applicable law, or for the same purpose for which it was used and to the extent it was used when said regulations took effect.

Nor shall any construction and use permit be issued for any building or structure or for any part thereof in any land situated along a highway or street appearing in the Official Highways and Streets Plans or Maps or which is in conflict with the recommendations of the Puerto Rico Planning

Board pertinent to the Puerto Rico Integral Development Plan, the Four-Year Investment Program and the Land Use or Territorial Ordinance Plans.

Likewise, no permit shall be issued for a new construction or use if the studies conducted indicate that the number of motor vehicles that shall arrive at the area as a result of said permit is greater than the number of spaces available or to be available as a consequence of said permits, pursuant to the criteria set forth in the Zoning Regulations approved by the Planning Board, or in the case of an authorized Autonomous Municipality, the regulations it may approve for those purposes by authority of law. Provided, that the concession of permits for use in the traditional urban centers of the towns is exempted from the application of this paragraph. It is hereby understood that a traditional urban center is that geographic portion of a town or city located downtown or within the heart or central urban area of said town or city.

When a commercial use permit is granted it shall bear a printed notice to the effects that said establishment must comply with the standards fixed for the hourly schedule of operation established in the laws and regulations in effect or in the applicable municipal ordinances.”

Section 2.-Severability

Should any part, paragraph or Section of this Act were to be declared null by a Court with competent jurisdiction, the judgment pronounced to that effect shall only affect that part, paragraph or Section that was declared null.

Section 3.-Effectiveness

This Act shall take effect immediately after its approval.

CERTIFICATION

I hereby certify to the Secretary of State that the following Act No. 214 (H.B. 502) of the 4th Session of the 15th Legislature of Puerto Rico:

AN ACT to amend Section 16 of Act No. 76 of June 24, 1975, as amended, for the purpose of providing that all commercial use permits issued by the Regulations and Permits Administration or any autonomous municipality authorized to do so, shall bear a printed notice to the effects that said establishment must comply with the standards fixed for the hourly schedule of operation established in the laws and regulations in effect or in the applicable municipal ordinances; and for other purposes,

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

In San Juan, Puerto Rico, today 27th of November of 2006.

Francisco J. Domenech
Director