

ACT ON THE PREVENTION OF LIGHT POLLUTION DUE TO ARTIFICIAL LIGHTING

Act No. 11261, Feb. 1, 2012

Amended by Act No. 13884, Jan. 27, 2016

Article 1 (Purpose)

The purpose of this Act is to help all citizens live in a healthy and pleasant environment by preventing harm to national health or the environment caused by excessive emission of light, etc. from artificial lighting and by managing artificial lighting in an environment-friendly manner.

Article 2 (Definitions)

The terms used in this Act shall be defined as follows:

1. The term "light pollution due to artificial lighting" (hereinafter referred to as "light pollution") means a condition in which excessive light resulted from inappropriate use of artificial lighting or light leaked to the outside of its illumination field disturbs the healthy and pleasant lives of citizens or causes harm to the environment;
2. The term "lighting fixture" means luminescent mechanism and devices attached thereto prescribed by Presidential Decree, which are installed for the purpose of illuminating a space, advertisement, decoration, etc.

Article 3 (Responsibilities of State, etc.)

- (1) The State shall formulate and implement comprehensive policies to prevent light pollution, and shall develop and disseminate technologies required therefor.
- (2) Local governments shall formulate and implement policies to prevent light pollution taking into account regional characteristics of the areas under their jurisdictions, and shall devise relevant measures such as the provision of information on light pollution to local residents.
- (3) Every citizen shall strive to prevent light pollution and, at the same time, cooperate in measures for the prevention of light pollution implemented by the State or a local government.

Article 4 (Formulation, etc. of Light Pollution Prevention Plans)

- (1) The Minister of Environment shall, in consultation with the heads of related central administrative agencies, formulate and implement a plan for the prevention of light pollution (hereinafter referred to as "light pollution prevention plan") every five years.
- (2) A light pollution prevention plan shall contain the following matters:

1. Measures to prevent light pollution, by field and by stage;
2. Measures to facilitate the development of related technologies to prevent light pollution;
3. Matters concerning the evaluation of light pollution effects;
4. Plans for education and public relations about light pollution;
5. Computation of expenses required to promote projects to prevent light pollution and measures to finance them;
6. Other matters necessary for the prevention of light pollution.

Article 5 (Formulation, etc. of City/Do Light Pollution Prevention Plans)

(1) The Special Metropolitan City Mayor, a Metropolitan City Mayor, a Special Self-Governing City Mayor, a Do Governor, or a Special Self-Governing Province Governor (hereinafter referred to as "Mayor/Do Governor") shall formulate a plan for the prevention of light pollution in the region under his/her jurisdiction (hereinafter referred to as "City/Do light pollution prevention plan") in accordance with the light pollution prevention plan.

(2) Upon formulating a City/Do light pollution prevention plan under paragraph (1), a Mayor/Do Governor shall publicly announce it without delay after submitting it to the Minister of Environment. The same shall also apply to the modification of important matters prescribed by Ordinance of the Ministry of Environment.

(3) A Mayor/Do Governor shall submit the results of implementation of a City/Do light pollution prevention plan to the Minister of Environment each year as prescribed by Ordinance of the Ministry of Environment, and the Minister of Environment shall evaluate the results of implementation each year.

(4) Other matters concerning the formulation, implementation, etc. of a City/Do light pollution prevention plan shall be prescribed by Ordinance of the Ministry of Environment.

Article 6 (Light Pollution Prevention Committee)

(1) In order to deliberate on matters concerning the formulation, implementation, etc. of light pollution prevention plans, the Light Pollution Prevention Committee (hereinafter referred to as the "Committee") shall be established under the jurisdiction of the Ministry of Environment.

(2) The Committee shall be comprised of not more than 20 members, including one chairperson.

(3) The Minister of Environment shall be the chairperson, and members shall be appointed or commissioned by the Minister of Environment from among the Vice-Minister level public officials of related central administrative agencies prescribed by Presidential Decree and persons who have much professional knowledge and experience in light pollution.

(4) The Committee shall deliberate on the following matters:

1. Matters concerning the formulation and implementation of light pollution prevention plans;
2. Matters concerning the improvement of statutes and systems for the effective promotion of light pollution prevention plans;
3. Matters concerning the bearing of costs for promotion of light pollution prevention projects;

4. Matters concerning the evaluation of implementation results of measures for the prevention of light pollution;

5. Other matters the chairperson deems necessary regarding the implementation of measures for prevention of light pollution.

(5) Matters necessary for the organization and operation of the Committee shall be prescribed by Presidential Decree.

Article 7 (Local Light Pollution Prevention Committee)

(1) A Mayor/Do Governor may establish a local light pollution prevention committee (hereinafter referred to as "local committee") to deliberate on matters concerning the formulation and implementation of a City/Do light pollution prevention plan and the designation, cancellation of designation, etc. of a lighting environment management area under Articles 9 and 10.

(2) Matters necessary for the organization and operation of a local committee shall be prescribed by ordinance of the relevant local government.

Article 8 (Request for Submission of Data, etc.)

The Committee or a local committee may, where deemed necessary to perform its duties, request the heads of related administrative agencies to submit related data, present opinions, etc. In such cases, the heads of related administrative agencies shall comply with the request unless there is a compelling reason not to do so.

Article 9 (Lighting Environment Management Areas)

(1) A Mayor/Do Governor may designate areas where light pollution has occurred or is likely to occur as lighting environment management areas by categorizing them as follows:

1. Class 1 lighting environment management area: An area where excessive artificial lighting causes or is likely to cause negative effects on the natural environment;
2. Class 2 lighting environment management area: An area where excessive artificial lighting causes or is likely to cause negative effects on running agriculture, forestry or fishing industry and the growth of animals and plants;
3. Class 3 lighting environment management area: An area where artificial lighting is necessary for citizens' safety and convenience, but excessive artificial lighting causes or is likely to cause negative effects on their residential life;
4. Class 4 lighting environment management area: An area where at least a certain level of artificial lighting is necessary for commercial activities, but excessive artificial lighting causes or is likely to cause negative effects on pleasant and healthy life of citizens.

(2) When a Mayor/Do Governor designates a lighting environment management area according to the categories referred to in the subparagraphs of paragraph (1), he/she shall take into account special-purpose areas under the National Land Planning and Utilization Act, the status of land use, and other matters prescribed by Ordinance of the Ministry of Environment.

(3) When a Mayor/Do Governor intends to designate a lighting environment management area under paragraph (1), he/she shall conduct an assessment of impact on local residents and the environment, hear opinions of the head of the relevant Si/Gun/Gu (referring to the head of an autonomous Gu; hereinafter the same shall apply) and local residents, and thereafter refer it to the local committee for deliberation.

(4) Upon designating a lighting environment management area under paragraph (1), a Mayor/Do Governor shall report such fact to the Minister of Environment without delay, and publicly notify the name, location and size of the relevant area and other necessary matters.

(5) A Mayor/Do Government shall formulate and implement plans for environment-friendly management of light environment of lighting environment management areas, as prescribed by Presidential Decree.

(6) The Minister of Environment or the head of a Si/Gun/Gu may request the competent Mayor/Do Governor to designate an area where light pollution occurs or is likely to occur as a lighting environment management area.

(7) Where necessary for the environment-friendly management, improvement, etc. of a lighting environment management area, the Minister of Environment may provide technical and financial assistance to the relevant area.

(8) Matters necessary for the designation of a lighting environment management area under paragraph (1) shall be prescribed by Ordinance of the Ministry of Environment.

Article 10 (Cancellation of Designation of Lighting Environment Management Areas)

(1) When the purpose of designating a lighting environment management area designated under Article 9 (1) is lost or when it is necessary to make a change in any lighting environment management area, a Mayor/Do Governor may cancel or change the designation of the lighting environment area.

(2) Any cancellation or change of the designation of a lighting environment management area under paragraph (1) shall be subject to deliberation by a local committee.

(3) Matters necessary for the methods, procedures, etc. for the cancellation or change of designation of a lighting environment management area under paragraph (1) shall be prescribed by Ordinance of the Ministry of Environment.

Article 11 (Acceptable Standard of Light Emission)

(1) The Minister of Environment shall, in consultation with the heads of related central administrative agencies, determine the acceptable standard of light emission permissible in lighting environment management areas referred to in the subparagraphs of Article 9 (1) (hereinafter referred to as "acceptable standard of light emission") by Ordinance of the Ministry of Environment, taking into account energy saving and technology development.

(2) Where it is deemed difficult to prevent light pollution or a create pleasant environment based on the acceptable standard of light emission referred to in paragraph (1), the Special Metropolitan City, a Metropolitan City, a Special Self-Governing City, a Do or the Special Self-Governing Province may determine an acceptable standard of light emission which is stricter than the one determined under paragraph (1) by ordinance of the relevant local government. <Amended by Act No. 13884, Jan. 27, 2016>

Article 12 (Obligation, etc. to Observe Acceptable Standard of Light Emission)

(1) A person who is responsible to manage a lighting fixture in a lighting environment management area designated under Article 9 (1), such as the owner, possessor or manager thereof, (hereinafter referred to as "owner, etc.") shall observe the acceptable standard of light emission determined under Article 11: Provided, That the same shall not apply to cases where lighting facilities are installed for a limited period for the purpose of a domestic or overseas event, festival, promotion of tourism, etc. and the approval therefor is obtained from a Mayor/Do Governor. <Amended by Act No. 13884, Jan. 27, 2016>

(2) A Mayor/Do Governor shall regularly inspect or examine whether the owner, etc. of a lighting fixture referred to in paragraph (1) observes the acceptable standard of light emission determined under Article 11. <Amended by Act No. 13884, Jan. 27, 2016>

(3) When the head of a Si/Gun/Gu finds out any owner, etc. who has violated the acceptable standard of light emission determined under Article 11, he/she shall report such fact to the competent Mayor/Do Governor. <Newly Inserted by Act No. 13884, Jan. 27, 2016>

(4) Matters necessary for the details of a report, procedures for filing a report, and other relevant matters under paragraph (3) shall be prescribed by Ordinance of the Ministry of Environment. <Newly Inserted by Act No. 13884, Jan. 27, 2016>

Article 13 (Correction Orders, etc. for Persons Exceeding Acceptable Standard of Light Emission)

(1) A Mayor/Do Governor may issue an order to an owner, etc. who has violated the acceptable standard of light emission determined under Article 11 in a lighting environment management area to take measures necessary to make the relevant lighting fixture satisfy the acceptable standard of light emission (hereinafter referred to as "correction order"), as prescribed by Ordinance of the Ministry of Environment. <Amended by Act No. 13884, Jan. 27, 2016>

(2) Upon execution of a correction order, the owner, etc. shall report the result of the execution to the competent Mayor/Do Governor without delay, as prescribed by Ordinance of the Ministry of Environment.

(3) Upon receipt of a report under paragraph (2), the Mayor/Do Governor shall confirm the state of fulfillment of the order or the state of completion of improvement without delay.

(4) Where a person who has received a correction order fails to execute it or where the acceptable standard of light emission determined under Article 11 is still exceeded despite the fact that the order has been executed within the fixed period, a Mayor/Do Governor may issue an order to suspend or restrict the use of the relevant lighting facilities in whole or in part. <Amended by Act No. 13884, Jan. 27, 2016>

Article 14 (Survey and Research Related to Light Pollution)

(1) The Minister of Environment may implement projects for the survey and research of the effects of light pollution on the ecosystem, observation of celestial bodies, waste of energy, etc.

(2) Where deemed necessary, the Minister of Environment may require a person prescribed by Presidential Decree to perform part of the affairs referred to in paragraph (1) on his/her behalf.

Article 15 (Standards, etc. for Installation and Management of Lighting Fixtures)

The Minister of Environment may determine and publicly notify matters necessary for the standards, etc. for installation and management of lighting fixtures.

Article 16 (Assessment of Impacts of Light Pollution on Environment)

A Mayor/Do Governor shall conduct assessment of environmental impact of the light environment of an area under his/her jurisdiction on its neighboring areas, as prescribed by Ordinance of the Ministry of Environment, at least once every three years, and shall report the result thereof to the Minister of Environment.

Article 17 (Reporting and Inspection)

(1) Where deemed necessary to prevent light pollution, a Mayor/Do Governor may require the owner, etc. of a lighting fixture to file a report or submit data on the operation of the lighting fixture or cause related public officials to have access to the place where the lighting fixture is installed and inspect facilities, equipment, etc.

(2) A public official who gains access or conducts an inspection under paragraph (1) shall carry a document indicating his/her authority and present it to interested persons.

Article 17-2 (Delegation of Authority)

The authority of a Mayor/Do Governor under this Act may be delegated in part to the head of a Si/Gun/Gu as prescribed by Presidential Decree.

Article 18 (Administrative Fines)

(1) A person who fails to comply with an order issued under Article 13 (4) to suspend or restrict the use of lighting facilities shall be subject to an administrative fine not exceeding ten million won.

(2) A person who fails to observe the acceptable standard of light emission determined under Article 11 shall be subject to an administrative fine not exceeding three million won.

(3) A person who rejects, interferes with, or evades the access or inspection of a related public official referred to in Article 17 (1) shall be subject to an administrative fine not exceeding one million won.

(4) Administrative fines under paragraphs (1) through (3) shall be imposed and collected by a Mayor/Do Governor as prescribed by Presidential Decree.

ADDENDA

Article 1 (Enforcement Date)

This Act shall enter into force one year after the date of its promulgation.

Article 2 (Transitional Measures concerning Lighting Fixtures Installed before Designation of Lighting Environment Management Areas)

Where any lighting fixture installed in an lighting environment management area before its designation under Article 9 exceeds the acceptable standard of light emission determined under Article 11, the lighting fixture shall be made to comply with the acceptable standard of light emission within five years from the date the relevant area is designated as a lighting environment management area.

Article 3 Omitted.

ADDENDUM <Act No. 13884, Jan. 27, 2016>

This Act shall enter into force six months after the date of its promulgation.

