

Findings and Call to Action

Implementation and Strengthening of Act No. 8682 – Noise Pollution Enforcement

Background

Act No. 8682, enacted in January 2023, amended Title 19, Part VI, Chapter 62 of the Virgin Islands Code relating to noise pollution in order to augment enforcement and provide clearer sound standards for the Territory. The law establishes decibel limits, identifies “Noise Sensitive Zones,” outlines soundproofing requirements for certain establishments, and designates the **Virgin Islands Police Department (VIPD), the Department of Licensing and Consumer Affairs (DLCA), and the Department of Health (DOH)** as enforcement agencies.

In November 2025, a Town Hall Meeting was convened at **Joseph Gomez Elementary School** to address ongoing noise concerns affecting residents of **Old Tutu, Hidden Valley, Anna’s Retreat, Estate Thomas, and Bovoni**. Participants included:

- Assistant Commissioner and Enforcement Director of DLCA
- Senator Marvin Blyden
- Senator Carla Joseph
- Captain Jarvis of the Virgin Islands Police Department
- Attorney Clive Rivers
- Cory Magras, General Manager of Lucky Street
- Ariel Brathwaite, representing the multiplex business establishment in Tutu
- Several homeowners and community stakeholders

Following the town hall, a group of residents also met with **Commissioner Jean-Pierre Oriol and his team at the Department of Planning and Natural Resources (DPNR)** to discuss the department’s role in permitting, land use approvals, and oversight related to bars, taverns, and nightclub establishments.

Based on discussions during these meetings, as well as the collective experiences of residents who have been directly impacted by noise disturbances for several years, the following findings and recommendations are presented for the consideration of government agencies, legislators, and other stakeholders.

Findings

1. Landlord Accountability in Commercial Leasing

Residents identified a major regulatory gap related to **commercial landlords who lease properties to bars, taverns, or nightclubs**.

Currently, landlords may obtain permits for one type of commercial use and later lease their properties to bar or nightclub operators without re-entering the permitting process required for those higher-impact uses.

Because the tenant holds the specific business license, landlords are often **not held accountable for violations**, even when they knowingly lease properties that will operate in ways that conflict with zoning or noise regulations.

Recommendation

Commercial lease agreements should be required to:

- Cite all applicable laws governing **bar, tavern, and nightclub operations**, including Act No. 8682.
- Identify required sound standards and soundproofing obligations.
- Clearly state penalties and remedies if violations occur.

Additionally, landlords who knowingly execute leases that violate the noise ordinance should be **subject to the enforcement provisions under Section 2044**, including fines comparable to those imposed on the tenant.

2. Soundproofing Requirements Prior to Opening

Residents strongly believe that **soundproofing should be required before a bar, tavern, or nightclub is allowed to begin operations**.

Currently, the law requires sound mitigation **after problems occur**, placing the burden of proof on residents who must repeatedly report violations. Also, the law currently does not explicitly state that individuals who want to host a bar, tavern or night clubs in residential areas should soundproof their establishments. This reactive structure leaves residents responsible for documenting disturbances rather than requiring businesses to demonstrate compliance before opening.

Recommendation

The law should be amended to require:

- Certified soundproofing measures prior to licensing approval.
- Pre-opening inspections to verify compliance.

3. Lack of Coordinated Enforcement

Although Act No. 8682 designates VIPD, DLCA, and DOH as enforcement agencies, residents reported **significant inconsistencies in response procedures**.

Residents frequently experience the following when attempting to report violations:

- Calls redirected between agencies
- Confusion regarding which agency is responsible
- Requests from agency staff asking residents to measure distances themselves
- Instructions to call VIPD even during normal business hours

These responses contradict the law, which clearly allows residents to **contact any of the three enforcement agencies**.

VIPD has been the **most consistent responding agency**, particularly during evening hours when most violations occur. However, residents are forced to rely on **911 dispatch** because the DLCA, DOH, and VIPD mainlines are often unavailable or unresponsive.

4. Need for Training and Public Agency Awareness

Findings indicate that **agency personnel may not be sufficiently trained on Act No. 8682** and its enforcement procedures.

During the Town Hall meeting, **DLCA Enforcement Director Wilbur Francis acknowledged that staffing shortages and internal personnel challenges had limited the department's responsiveness**.

He indicated that DLCA currently has **two enforcement officers**, which is insufficient given the territory-wide scope of enforcement responsibilities.

5. Absence of a Noise Prevention and Control Officer

Act No. 8682 requires VIPD to designate a **Noise Prevention and Control Officer** responsible for coordinating enforcement among DLCA, DOH, and DPNR.

Residents and stakeholders have not observed evidence that such coordination currently exists. Without a designated coordinator, enforcement efforts remain **fragmented and disjointed**, forcing residents to contact multiple agencies and personally track complaints.

6. Lack of Complaint Documentation

VIPD is currently the **only agency that provides written police reports** confirming that a complaint was filed.

However:

- Residents must **pay \$20 per report**.
- DLCA and DOH do **not provide written documentation** confirming complaints.
- There is little evidence of follow-up from those agencies.

Residents have therefore been forced to personally distribute copies of police reports to agencies and elected officials in order to document ongoing violations.

7. Limited Interagency Communication

Although the law requires **shared communication between VIPD, DLCA, and DOH**, there appears to be **no streamlined real-time system for sharing complaint information**.

As a result:

- Violations often remain at the **warning stage indefinitely**
- Repeat offenses are not consistently tracked
- Agencies lack a unified enforcement record

8. Hearing and Enforcement Procedures

The law provides for administrative hearings following violations.

Residents recommend that **all enforcement officers who issued warnings or citations be present at hearings** so that decision-makers have complete documentation of prior violations.

This will ensure fairness for both residents and business owners.

9. Business License Renewal and Corrective Action

Currently, businesses may accumulate violations without meaningful consequences.

Residents recommend:

- Business licenses **should not be renewed once a second violation has occurred without corrective action**.
- Businesses should be required to implement **formal corrective action plans**.
- Consideration should be given to withholding **Certificates of Good Standing from the Lieutenant Governor's Office** until fines are paid and corrective actions completed.

10. Worker Health and Safety Concerns

The current law does not address **occupational exposure to high noise levels** for employees working in these establishments.

According to the **National Institute on Deafness and Other Communication Disorders**, prolonged exposure to sound levels above **85 decibels can cause hearing loss**.

However, Act 8682 allows:

- Up to **80 decibels Sunday–Thursday**
- Up to **90 decibels Friday–Saturday**

Employees working extended hours may therefore face **significant hearing risks**, yet many establishments do not provide:

- hearing protection
- adequate insurance coverage
- permission for staff to use ear protection

11. Insufficient Quiet Hours for Residents

The current law effectively provides **no guaranteed quiet hours Sunday through Thursday** and only a limited quiet window on weekend mornings.

This contradicts widely accepted health guidance that individuals require **6–8 hours of sleep per night** and significantly impacts residents' quality of life.

12. Role of the Department of Planning and Natural Resources

DPNR is mentioned only briefly in the Act, yet the department plays a critical role in **permitting and land use oversight**.

During discussions with Commissioner Oriol, concerns were raised about how decibel thresholds are determined and whether those standards adequately protect vulnerable populations.

For example, a **bar/restaurant/tavern located at the foot of Raphune Hill operates adjacent to a hospital**, raising serious concerns about compliance with the law's provisions protecting noise-sensitive zones.

13. Environmental and Geographic Factors

The current law does not account for **wind direction and topography**, which can carry amplified music over long distances.

Many establishments also host **bands performing outdoors in unenclosed spaces**, further increasing the reach of sound disturbances.

Call to Action

Based on these findings, residents respectfully request the following actions:

1. **Amend Act No. 8682** to establish landlord accountability for leasing properties to bars, taverns, and nightclubs operating in violation of the law.
2. **Require soundproofing and compliance inspections before establishments open.**
3. **Designate and publicly identify the Noise Prevention and Control Officer** required under the law.
4. **Establish a centralized complaint tracking system** accessible to VIPD, DLCA, DOH, and DPNR.
5. **Provide training to enforcement personnel** to ensure proper handling of noise complaints.
6. **Create clear timelines for issuing citations and escalating enforcement actions.**
7. **Require enforcement officers to participate in administrative hearings** related to violations they documented.
8. **Strengthen interagency communication protocols** for real-time data sharing.
9. **Protect workers from prolonged noise exposure** by requiring appropriate hearing protection policies.
10. **Expand the role of DPNR** in monitoring and regulating establishments located near noise-sensitive zones.

Conclusion

Residents of Old Tutu, Hidden Valley, and Anna's Retreat fully support responsible business development and vibrant nightlife within the Virgin Islands. However, economic activity must occur in a manner that **respects the law, protects public health, and preserves the quality of life of residents.**

Act No. 8682 was intended to provide that balance. Three years after its enactment, it is clear that **stronger implementation, clearer accountability, and improved coordination among agencies are necessary** to ensure that the law functions as intended.

Residents stand ready to work collaboratively with government agencies, legislators, and business owners to achieve practical solutions that promote both **community well-being and responsible economic growth.**