

EXECUTIVE SUMMARY

Implementation and Strengthening of Act No. 8682

Noise Pollution Enforcement in the U.S. Virgin Islands

Act No. 8682, enacted in January 2023, amended Title 19, Part VI, Chapter 62 of the Virgin Islands Code to strengthen the Territory's noise pollution law. The Act established sound standards for businesses such as bars, taverns, and nightclubs, identified "Noise Sensitive Zones," and designated the **Virgin Islands Police Department (VIPD)**, the **Department of Licensing and Consumer Affairs (DLCA)**, and the **Department of Health (DOH)** as enforcement agencies.

Despite the existence of this law, residents of **Old Tutu, Hidden Valley, Anna's Retreat, Estate Thomas, and Bovoni** continue to experience significant noise disturbances and enforcement challenges.

To address these concerns, a **Town Hall Meeting was held in November 2025 at Joseph Gomez Elementary School**, attended by community residents, business representatives, and government officials including:

- Senator Marvin Blyden
- Senator Carla Joseph
- Captain Jarvis, Virgin Islands Police Department
- Assistant Commissioner and Enforcement Director, DLCA
- Attorney Clive Rivers
- Cory Magras, General Manager Lucky Street
- Ariel Brathwaite, Owner Tutu multiplex establishment

Following the town hall, residents met with **Commissioner Jean-Pierre Oriol and staff of the Department of Planning and Natural Resources (DPNR)** to discuss permitting and regulatory oversight related to bars, taverns, and nightclub establishments. Based on these discussions and the documented experiences of residents, the following key findings were identified.

Key Findings

- **Enforcement of Act No. 8682 is inconsistent and fragmented.**

Residents are frequently redirected between the Virgin Islands Police Department (VIPD), the Department of Licensing and Consumer Affairs (DLCA), and the Department of Health (DOH) when reporting violations.

- **The required Noise Prevention and Control Officer has not been clearly designated.**

This has resulted in a lack of coordination among the agencies responsible for enforcing the law.

- **Commercial landlords are not held accountable** when they lease properties to bar, tavern, or nightclub operators who subsequently violate noise regulations.

- **Soundproofing is not required prior to opening**, leaving residents responsible for repeatedly reporting violations instead of requiring establishments to demonstrate compliance before beginning operations.

- **Interagency communication and complaint tracking are insufficient**, causing many violations to remain at the warning stage rather than progressing through the enforcement process outlined in the law.

- **Residents must pay \$20 for police reports** to document complaints, while other enforcement agencies do not consistently provide written documentation confirming that complaints were filed or investigated.
- **Workers in entertainment establishments may face unsafe noise exposure**, as the law permits sound levels up to 90 decibels without requiring occupational hearing protection or safety protocols.
- **Quiet hours for residents are extremely limited**, which significantly impacts health, sleep, and overall quality of life.
- **Environmental factors such as wind direction, elevation, and outdoor performances are not addressed in the law**, allowing sound to travel long distances and impact residential communities beyond the immediate area of the establishment.
- **The Department of Planning and Natural Resources (DPNR) appears to be underutilized in addressing noise ordinance concerns.**

Given its authority over land use, permitting, and zoning compliance, DPNR could play a more integral role in the development, enforcement, and monitoring of noise regulations, including the issuance of citations and participation in determinations related to licensure status for establishments operating in violation of Act No. 8682.

- **Although DPNR possesses permitting authority over certain commercial activities, its role in ongoing enforcement and regulatory oversight related to noise disturbances appears limited**, creating gaps in accountability and coordination among enforcement agencies.

Policy Recommendations

Residents respectfully recommend that the Legislature and enforcement agencies:

1. Amend Act 8682 to **establish landlord accountability** for properties leased to bars, taverns, and nightclubs.
2. Require **soundproofing certification prior to licensing approval**.
3. Formally designate and empower a **Noise Prevention and Control Officer**.
4. Establish a **centralized interagency complaint tracking system**.
5. Require **mandatory training for enforcement personnel**.
6. Establish **clear timelines for issuing citations and escalating enforcement actions**.
7. Strengthen **worker hearing protection requirements**.
8. Expand the role of **DPNR in monitoring establishments near noise-sensitive zones**.

These recommendations are intended to ensure that Act No. 8682 fulfills its intended purpose: balancing economic activity with the health, safety, and quality of life of Virgin Islands residents.

Community Impact Statement

The residents of Old Tutu, Hidden Valley, Anna’s Retreat, and surrounding communities recognize and appreciate the role that entertainment, restaurants, and nightlife play in the cultural and economic life of the U.S. Virgin Islands. Our community does not oppose responsible business activity, nor do we seek to limit economic growth. Rather, we seek a fair and balanced approach that allows businesses to operate successfully while also protecting the health, safety, and quality of life of the residents who live nearby.

For several years, residents have experienced repeated noise disturbances that significantly affect daily life. These disturbances frequently occur during evening and overnight hours when families are attempting to rest, children are preparing for school, elders require quiet environments, and individuals recovering from illness depend on peaceful surroundings. In some instances, these disturbances originate from establishments operating near schools, churches, residential communities, and even medical facilities—areas that the law itself recognizes as **Noise Sensitive Zones**.

The impact on residents is not merely an inconvenience; it is a public health and community stability issue. Chronic sleep disruption has been widely linked to negative health outcomes including stress, fatigue, reduced productivity, and long-term cardiovascular concerns. Families living in these communities often feel powerless when their repeated complaints yield little resolution, forcing them to navigate a fragmented enforcement process that requires contacting multiple agencies, paying for police reports, and personally documenting violations.

Residents are also deeply concerned about the long-term implications for workers employed in establishments where noise levels frequently reach or exceed thresholds associated with hearing damage. While the Territory values its hospitality and entertainment sectors, the well-being of employees must also remain a priority. The purpose of this memorandum and the accompanying recommendations is not to assign blame, but to encourage collaboration and meaningful solutions. Residents have participated in community meetings, town halls, and discussions with government officials and business representatives in good faith. These efforts reflect a shared desire to strengthen the implementation of Act No. 8682 so that it functions as originally intended: as a tool that balances economic vitality with community well-being.

The people of the Virgin Islands deserve communities where businesses can thrive, residents can sleep peacefully, children can learn without disruption, patients can recover in quiet environments, and families can enjoy the simple expectation of peace within their homes. These are not competing goals; they are complementary ones. By improving enforcement coordination, strengthening accountability measures, and updating the law to address current realities, the Government of the Virgin Islands has an opportunity to demonstrate its commitment to both economic development and the protection of its residents.

The residents of Old Tutu, Hidden Valley, Anna's Retreat, and neighboring communities remain committed to working constructively with lawmakers, government agencies, and business owners to ensure that our shared community continues to grow in a way that is respectful, sustainable, and beneficial to all.

LEGISLATIVE MEMORANDUM

Implementation and Strengthening of Act No. 8682

Noise Pollution Enforcement in the U.S. Virgin Islands

Date: [Insert Date]

To: Members of the 36th Legislature of the Virgin Islands
Commissioner, Department of Licensing and Consumer Affairs
Commissioner, Department of Planning and Natural Resources
Commissioner, Department of Health
Commissioner, Virgin Islands Police Department

From: Residents and Stakeholders of Old Tutu, Hidden Valley, and Anna's Retreat

Subject: Findings and Policy Recommendations Regarding the Enforcement and Amendment of Act No. 8682

I. Purpose

This memorandum provides a summary of findings and policy recommendations regarding the implementation and enforcement of **Act No. 8682**, which amended Title 19, Part VI, Chapter 62 of the Virgin Islands Code relating to noise pollution.

The recommendations presented herein are based on:

- **A Town Hall Meeting held in November 2025 at Joseph Gomez Elementary School**
- Follow-up meetings with the **Department of Planning and Natural Resources**
- Direct experiences and documented complaints from residents in the **Old Tutu, Hidden Valley, and Anna's Retreat communities**

The purpose of this memorandum is to inform policymakers and enforcement agencies of the **current enforcement challenges and regulatory gaps** in the law and to propose practical policy improvements.

II. Background

Act No. 8682 was enacted in January 2023 to strengthen the Territory's noise pollution control law. The Act defines **Noise Sensitive Zones** and establishes sound standards regulating music and noise emanating from business establishments such as bars, taverns, and nightclubs.

The law also establishes enforcement responsibilities for:

- **Virgin Islands Police Department (VIPD)**
- **Department of Licensing and Consumer Affairs (DLCA)**
- **Department of Health (DOH)**

The Act further requires interagency coordination and the designation of a **Noise Prevention and Control Officer** within VIPD.

Despite the existence of this legal framework, residents continue to experience persistent noise disturbances and enforcement inconsistencies. To address these concerns, a Town Hall Meeting was convened in November 2025 at **Joseph Gomez Elementary School**. Participants included:

- Assistant Commissioner and Enforcement Director, DLCA
- Senator Marvin Blyden

- Senator Carla Joseph
- Captain Jarvis, Virgin Islands Police Department
- Attorney Clive Rivers
- Cory Magras, General Manager of Lucky Street
- Ariel Brathwaite, representing the multiplex establishment in Tutu
- Numerous homeowners and residents from the surrounding communities

Following the town hall, residents also met with **Commissioner Jean-Pierre Oriol and his team at the Department of Planning and Natural Resources (DPNR)** to discuss permitting processes and regulatory oversight related to bars, taverns, and nightclubs.

III. Summary of Findings

1. Lack of Landlord Accountability

Current law does not hold commercial landlords accountable when they lease properties to businesses that operate in violation of noise regulations.

Residents reported instances where landlords obtained permits for one type of commercial use and later leased their properties to bars or nightclubs without undergoing additional permitting or zoning review. Because the tenant holds the business license, landlords often avoid responsibility for the resulting violations.

2. Soundproofing Requirements Are Reactive Rather Than Preventive

The law requires sound mitigation after complaints occur rather than requiring soundproofing before establishments begin operating. This places the burden on residents to repeatedly report violations instead of requiring businesses to demonstrate compliance before opening.

3. Inconsistent Enforcement Across Agencies

Although Act No. 8682 assigns enforcement authority to VIPD, DLCA, and DOH, residents report that enforcement procedures are inconsistent and unclear. Residents attempting to report violations often receive conflicting instructions or are redirected between agencies. VIPD has been the most responsive agency, particularly during evening hours when most violations occur.

4. Insufficient Training and Staffing

During the Town Hall Meeting, **DLCA Enforcement Director Wilbur Francis acknowledged staffing shortages and personnel challenges** that limited the department's responsiveness. At the time of the meeting, DLCA reported having **two enforcement officers responsible for territory-wide enforcement**.

5. Absence of the Required Noise Prevention and Control Officer

Act No. 8682 requires VIPD to designate a **Noise Prevention and Control Officer** responsible for coordinating enforcement among agencies. Residents have not observed evidence that this position has been formally implemented or activated.

6. Lack of Complaint Documentation

VIPD currently provides police reports documenting noise complaints; however, residents must pay **\$20 per report**. DLCA and DOH do not provide written confirmation that complaints were filed or investigated, leaving residents without formal documentation.

7. Weak Interagency Communication

Although the law requires agencies to share information and coordinate responses, residents report that enforcement efforts remain fragmented. Without a shared reporting system, violations often remain at the warning stage and repeat offenders are not consistently tracked.

8. Hearing and Enforcement Procedures Need Improvement

Residents recommend that enforcement officers who issue warnings or citations be present during administrative hearings to ensure accurate documentation of prior violations.

9. Business License Renewal Policies Do Not Address Repeat Violations

Businesses may accumulate violations without meaningful enforcement consequences. Residents recommend that repeat violations trigger corrective action plans and affect license renewals.

10. Worker Health and Safety Concerns

According to the **National Institute on Deafness and Other Communication Disorders**, prolonged exposure to noise levels above **85 decibels can cause hearing loss**. However, Act No. 8682 permits noise levels up to **90 decibels during certain hours**, potentially exposing employees to unsafe working conditions without requiring hearing protection.

11. Limited Quiet Hours for Residents

The current law provides minimal guaranteed quiet hours for residents, particularly on weekends, which significantly impacts community quality of life.

12. Limited Role of DPNR in Ongoing Enforcement

Although DPNR plays a critical role in permitting and zoning oversight, the agency is only briefly referenced in the Act. During discussions with Commissioner Oriol, concerns were raised regarding the adequacy of current decibel standards and their ability to protect vulnerable populations.

13. Environmental Factors Not Considered

The law does not account for geographic conditions such as wind direction, elevation, and outdoor performance spaces that can amplify and carry noise over greater distances.

IV. Policy Recommendations

To address the issues identified above, the following legislative and administrative actions are recommended:

1. **Amend Act No. 8682 to establish landlord accountability** when leasing properties to bars, taverns, or nightclubs operating in violation of noise regulations.
2. **Require soundproofing certification prior to licensing approval** for establishments hosting amplified music.
3. **Designate and publicly identify the Noise Prevention and Control Taskforce** required under the law.
4. **Establish a centralized interagency complaint tracking system** accessible to VIPD, DLCA, DOH, and DPNR.
5. **Provide mandatory training for enforcement personnel** and agency staff who responds to noise ordinance complaints regarding Act No. 8682 procedures.
6. **Establish clear enforcement timelines** for issuing citations following verified violations.
7. **Require enforcement officers to attend administrative hearings** related to violations they documented.
8. **Strengthen interagency communication protocols** for real-time information sharing.

9. **Implement occupational safety protections** for workers exposed to prolonged noise levels.
10. **Expand DPNR's regulatory role** in monitoring establishments located near Noise Sensitive Zones.
11. **Review and revise allowable decibel limits** to ensure adequate protection of residents and public health.

V. Conclusion

Residents of Old Tutu, Hidden Valley, and Anna's Retreat recognize the importance of economic development and the cultural value of entertainment establishments in the Virgin Islands. However, businesses must operate within a framework that protects public health, community well-being, and the right of residents to the peaceful enjoyment of their homes. Three years after its enactment, it is evident that **Act No. 8682 requires stronger implementation, clearer accountability, and improved coordination among enforcement agencies**. Residents respectfully submit these findings and recommendations to policymakers and agency leaders in the spirit of collaboration and with the shared goal of ensuring that the law functions as intended.

PROPOSED LEGISLATIVE AMENDMENT LANGUAGE

Draft Bill to Amend Act No. 8682

AN ACT

To amend Title 19, Part VI, Chapter 62 of the Virgin Islands Code relating to noise pollution enforcement and to strengthen regulatory oversight of bars, taverns, and nightclubs operating within the Territory.

SECTION 1. LANDLORD ACCOUNTABILITY

Title 19, Virgin Islands Code, Chapter 62 is amended by adding a new subsection requiring commercial property owners leasing space to bars, taverns, or nightclubs to ensure compliance with the noise pollution provisions of this chapter.

(a) Any landlord or commercial property owner who knowingly leases property to a bar, tavern, nightclub, or other entertainment establishment operating in violation of this chapter shall be subject to the same penalties applicable to the tenant under Section 2044.

(b) All commercial lease agreements for establishments operating as bars, taverns, or nightclubs shall include:

1. A statement acknowledging compliance with this chapter;
2. Identification of applicable sound standards;
3. Procedures for corrective action if violations occur.

SECTION 2. SOUNDPROOFING REQUIREMENT PRIOR TO LICENSING

Section 2042a is amended to require that any bar, tavern, nightclub, or establishment hosting amplified music must soundproof the establishment prior to issuance or renewal of a business license. The Department of Licensing and Consumer Affairs shall require certification from a qualified professional confirming that the establishment meets sound mitigation standards before approval of operation.

SECTION 3. NOISE PREVENTION AND CONTROL TASK FORCE

The Virgin Islands Police Department, Department of Health and Department of Licensing and Consumer Affairs shall designate a staff member per agency to be a part of a **Noise Prevention and Control Task Force**. The Taskforce will be responsible for coordinating enforcement activities among:

- the Virgin Islands Police Department
- the Department of Licensing and Consumer Affairs
- the Department of Health
- the Department of Planning and Natural Resources

The committee shall maintain a centralized record of noise complaints and enforcement actions, conduct hearings and make decisions on corrective action plans, business closures and/or license revocation.

SECTION 4. INTERAGENCY COMPLAINT TRACKING SYSTEM

The Government of the Virgin Islands shall establish a **centralized electronic system** for documenting noise complaints and enforcement actions. The system shall allow authorized personnel from VIPD, DLCA, DOH, and DPNR to:

- record complaints

- track repeat violations
- share enforcement data in real time

SECTION 5. ENFORCEMENT TIMELINES

Upon verification of a violation under this chapter:

1. A written warning shall be issued for the first offense.
2. A citation shall be issued for the second offense within a 30-day period.
3. Subsequent violations may result in suspension or revocation of the establishment's business license.

SECTION 6. WORKER HEARING PROTECTION

Any establishment where noise levels exceed **85 decibels for extended periods** shall provide appropriate hearing protection to employees consistent with occupational safety standards.

SECTION 7. EXPANDED ROLE OF THE DEPARTMENT OF PLANNING AND NATURAL RESOURCES

The Department of Planning and Natural Resources shall review land use permits and zoning approvals for establishments located within **Noise Sensitive Zones** and may impose additional sound mitigation requirements as a condition of approval.

SECTION 8. EFFECTIVE DATE

This Act shall take effect immediately upon passage and approval.