



THE PATE LAW FIRM

P.O. BOX 370 • CHRISTIANSTED • VI 00821

OFFICE: 340.777.7283 • FAX: 888.889.1132 • EMAIL: PATE@SUNLAWVI.COM

November 10, 2025

Legislature of the Virgin Islands

Attn: Senator Avery Lewis

via lwatley@legvi.org

Chair of Committee on Government Operations, Veterans Affairs & Consumer Protection

Capital Building

Charlotte Amalie, V.I. 00801

Re: Testimony on Bill 35-0052; Advertising on Private Property

Dear Senator Lewis and Honorable Members of the 36th Legislature,

I write regarding Bill 35-0052. The Bill proposes the relatively simple fix of deleting “Private” from private property regarding the “regulation of billboards.” If the goal is to reduce enforcement of advertisements on people’s private property and homes, then removing the express authority is the best way to start in curtailing executive enforcement over-reach.

However, the over-arching concern of billboards would be public safety. Even with deleting private property, the Government has an easement interest in the sides of every public roadway in the Virgin Islands.¹ So billboards that do go up on private property, if they block line-of-sight for drivers or create dangerous conditions, the Government still has the authority to request that billboards be moved, modified, or taken down, for the protection of the health and safety of the public.

¹ Unfortunately, I do not know that easement measurements. Public Works and DPNR should be consulted. I was unable find a clear definition of public easements in the V.I. Code when I brought a lawsuit under the Open Beach Access law where beach-front properties were placing fencing and landscaping right up to the roadway. With nowhere to park, the public would have to park in the street, thus blocking access for fire, ambulances or other emergency services, along with endangering children exiting or entering cars with no safe off-the-road way to park. Logically, without a place to park for families, public access to beaches becomes meaningless, if a family has to park a mile away and walk with children and grandparents carrying their beach items. Further, in another decade or two all of Dorsch Beach will have beach front houses; likely ending public access for our grandchildren and great-grandchildren. If anything needs an update in 2026 to protect Virgin Islanders (particularly generation not yet born) it’s an update to the Open Beach Access laws.



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From a review of the statute at 29 V.I.C. § 502, billboards on private property were not included in the language when this law was passed in 1968. Yet, only four years later in 1972, “private property” was included. Understanding why that change was necessary would be helpful to this current Legislature. Were billboards on private property in 1969, 1970 and 1971 creating dangerous conditions on the roadways, and increased traffic accidents, injuries and deaths?

On the flip-side, a home-owner has the right to do pretty much anything they want with their house (if they are outside of a Homeowner’s Association). They could paint the front of their house, “*Barack Obama for Governor.*” Or place a billboard in their yard, “*777-7777 Plumber on Demand.*” That would be their free speech, though DLCA, DNPR and Fire Services may be interested if they are running a business from their home without licensure. (Sadly, we have seen the full extent of private property rights as abandoned cars pile up on private property, only to be covered by a tan-tan forest and exposed to the world again only after a major hurricane. But that’s another issue.)

As this Body knows, it makes policy at the Territorial level. The Executive then has to enforce at the individual level. And the Judiciary investigates every fact and facet at a granular level. In sum, the Legislature cuts boulders, the Executive breaks boulders into rocks, and the Judiciary has to break those rocks into pebbles. If the issue right now is that the Executive Agencies are exceeding their authority regulating free-speech on private property (but is not impeding the safety of the roadway) then this small change will be of benefit in guiding the Executive Branch to the Legislature’s will in protecting the free-speech rights of the people. And time will tell how the dust shakes out.

Best Regards,

J. Russell B. Pate, Esq.

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www.SunLawVI.com



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Virgin Islands Code

[Title 29. Public Planning and Development](#)

[Chapter 9. Regulation of Billboards](#)

29 V.I.C. § 502

§ 502 Prohibition

Except as otherwise provided in this chapter, and from and after the effective date of this chapter, the erection or maintenance of any advertising device upon any publicly owned and controlled street, sidewalk, park or other real property, or the erection and maintenance of any such device located within fifty (50) feet from the center line of any public highway in the Virgin Islands, whether on public or private property, without a written permit therefor granted by the Commissioner of Public Works pursuant to this chapter is prohibited, but in no instance may the advertising device be located less than 10 feet from the outer edge of any such highway or be a changeable electronic variable message sign, or a digital billboard or smartboard that has animation, movement or the appearance or optical illusion of movement of any part of the sign structure.

Credits

-Added Mar. 18, 1968, No. 2116, Sess. L. 1968, Pt. I, p. 38; amended July 22, 1972, No. 3269, § 1, Sess. L. 1972, p. 225; amended May 15, 2018, No. 8051, § 1(a), Sess. L. 2018, p. 76.

HISTORY

References in text.

For effective date of this chapter, see note set out preceding section 501 of this title.

Amendments

-2018.

Act 8051, § 1(a), substituted '10' for 'twenty-five (25)' and added 'or be a changeable electronic variable message sign, or a digital billboard or smartboard that has animation, movement or the appearance or optical illusion of movement of any part of the sign structure' at the end of the section.

-1972.

Inserted the words 'upon any publicly owned and controlled street, sidewalk, park or other real property, or the erection and maintenance of such device' and expanded section to include 'private' property.