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1. [Chapter 5 Building Code](#)  
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6. [§ 293. Definitions](#)  
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10. [§ 295. Appeals—Procedure, Board of Land Use Appeals](#)  
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11. [§ 296. Fees and fines for building permits](#)  
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12. [§ 297. Inspection by Commissioner; correction of violations](#)  
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15. [Subchapter VI Excavations](#)  
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16. [§ 302. Excavations affecting adjoining properties](#)  
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17. [Subchapter VII Foundations](#)  
Client/Matter: -None-
18. [§ 303. Foundation standards](#)

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19. [Subchapter VIII Water Supply](#)

**Client/Matter:** -None-

20. [§ 308. Water supply, cisterns, gutters, downspouts, wells](#)

**Client/Matter:** -None-

21. [§ 308. Water supply, cisterns, gutters, downspouts, wells](#)

**Client/Matter:** -None-

22. [§ 309. Public housing projects; fire prevention](#)

**Client/Matter:** -None-

23. [Subchapter IX Existing Buildings](#)

**Client/Matter:** -None-

24. [§ 310. Applications to existing buildings](#)

**Client/Matter:** -None-

25. [§ 311. Adoption of other construction codes \[Repealed\]](#)

**Client/Matter:** -None-

26. [Subchapter XI Administration and Enforcement](#)

**Client/Matter:** -None-

27. [§ 312. Administration and enforcement](#)

**Client/Matter:** -None-

## [29 V.I.C. Ch. 5](#)

Statutes current through Act 8813 of the 2023 session of the 35th Legislature, including all code changes through March 28, 2024

*Virgin Islands Code Annotated* > *TITLE TWENTY-NINE Public Planning and Development (Chs. 1 — 24)* > *Chapter 5. Building Code (§§ 291 — 312)*

### **Chapter 5. Building Code**

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Annotations

### **Notes**

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#### **HISTORY**

##### **Prior law.**

This chapter, as it read prior to the general amendment and reenactment by Act Apr. 1, 1964, No. 1142, Sess. L. 1964, p. 95, was derived from Act Leg. Assem. app. May 25, 1948 (Bill No. 6), and consisted of sections 291–295, general provisions, sections 321–325, permits and fees, sections 351–353, standards of design and construction, sections 381 and 382, fire prevention and structural safety, and sections 411–416, enforcement, violations and penalties, and civil liability.

### **Research References & Practice Aids**

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#### **Hierarchy Notes:**

[29 V.I.C.](#)

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## [29 V.I.C. Ch. 5, Subch. I](#)

Statutes current through Act 8813 of the 2023 session of the 35th Legislature, including all code changes through March 28, 2024

*Virgin Islands Code Annotated* > **TITLE TWENTY-NINE Public Planning and Development (Chs. 1 — 24)** > **Chapter 5. Building Code (§§ 291 — 312)** > **Subchapter I. Title and General Provisions (§§ 291 — 293)**

### **Subchapter I. Title and General Provisions**

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Annotations

#### **ANNOTATIONS**

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##### **1.Purpose.**

##### **2.Particular cases.**

##### **1. Purpose.**

Provisions of Virgin Islands Building Code were promulgated to safeguard life and limb, property, and public welfare, through the establishment of minimum building requirements for structural strength and stability, and provisions indicate that legislature clearly intended government's duty to encompass risk of property damage against injury from structural deficiencies; consequently, Building Code supplied standard of conduct of reasonable man and violation of Code by building inspector in approving building without conducting an examination for structural defects constituted negligence per se. [Swanston v. Virgin Islands, 17 V.I. 158, 1980 V.I. LEXIS 80 \(V.I. Terr. Ct. 1980\)](#).

##### **2. Particular cases.**

Where failure of Government building inspector to exercise reasonable care in inspection and approval of construction site was a substantial factor in bringing harm to plaintiff-homeowners, whose home suffered serious cracking because of structural defects, and harm would not have occurred but for the Government's negligence, legal causation existed. [Swanston v. Virgin Islands, 17 V.I. 158, 1980 V.I. LEXIS 80 \(V.I. Terr. Ct. 1980\)](#).

Where government building inspector had no actual knowledge of dangerous conditions at construction site, but approved final inspection of building without so much as undertaking to look for structural defects, he was chargeable with knowledge of defects that undoubtedly posed risk of serious harm and public duty doctrine, under which it is held that a building inspector acts exclusively for the benefit of the public and that an individual who is injured by the alleged negligent performance of a building inspector does not have a cause of action, would not preclude Government's liability to purchasers of home. [Swanston v. Virgin Islands, 17 V.I. 158, 1980 V.I. LEXIS 80 \(V.I. Terr. Ct. 1980\)](#).

##### **Cited.**

Subchapter I Title and General Provisions

Cited in [Williams v. Virgin Islands Water & Power Auth., 672 F.2d 1220, 1982 U.S. App. LEXIS 21331 \(3d Cir. 1982\)](#).

## Research References & Practice Aids

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### Hierarchy Notes:

[29 V.I.C.](#)

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## [29 V.I.C. § 291](#)

Statutes current through Act 8813 of the 2023 session of the 35th Legislature, including all code changes through March 28, 2024

*Virgin Islands Code Annotated* > **TITLE TWENTY-NINE Public Planning and Development (Chs. 1 — 24)** > **Chapter 5. Building Code (§§ 291 — 312)** > **Subchapter I. Title and General Provisions (§§ 291 — 293)**

### **§ 291. Title**

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This chapter and the regulations issued pursuant to the authority hereinafter granted by this chapter shall be known and referred to as the Virgin Islands Building Code.

### **History**

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—Amended Apr. 1, 1964, No. 1142, Sess. L. 1964, p. 95.

Annotations

### **ANNOTATIONS**

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#### **1. Federal contractors.**

Federal contractors must comply with the provisions of the local laws and regulations, including the building codes. 2 V.I. Op. Att'y Gen. 80.

### **Research References & Practice Aids**

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#### **Hierarchy Notes:**

[29 V.I.C.](#)

[29 V.I.C. Ch. 5](#)

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## 29 V.I.C. § 292

Statutes current through Act 8813 of the 2023 session of the 35th Legislature, including all code changes through March 28, 2024

*Virgin Islands Code Annotated > TITLE TWENTY-NINE Public Planning and Development (Chs. 1 — 24) > Chapter 5. Building Code (§§ 291 — 312) > Subchapter I. Title and General Provisions (§§ 291 — 293)*

### **§ 292. General purposes, application, and scope**

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(a) The purpose of this chapter is to safeguard life and limb, property, and public welfare, through the establishment of minimum building requirements for structural strength and stability.

**(b) Application.**

(1) **General**—The provisions of this chapter shall apply to the design, materials and methods, and to the construction, alteration, reconstruction, removal, and demolition of every structure located in the Virgin Islands;

(2) **New Buildings**—All new buildings and/or structures constructed after May 1, 1964, shall be required to conform with its provisions;

(3) **Existing Buildings**—After May 1, 1964, all existing buildings and/or structures enlarged, altered, or reconstructed, shall be so enlarged, altered, and reconstructed as to conform with the provisions of this chapter for new buildings, except as otherwise expressly provided for in this chapter. Refer to Section 310 for additional requirements for existing building.

**(c) Scope.** This chapter does not cover all possible types of construction, design, materials and methods, and it is not the intent of this chapter to limit building to the types of construction design, materials and methods specifically covered herein. It is intended, basically, to assure that accepted engineering practice is employed in the execution of designs, that materials used are suitable for their intended use, and that good construction practices following nationally recognized consensus based codes and standards are followed. Therefore, for types of construction, design, materials, and methods not specifically covered in this chapter, it shall be generally necessary only to demonstrate compliance with the aforementioned principles. Nationally recognized consensus based codes and standards shall be used by the Commissioner as a basis for determining the acceptability of a design, material, or method not specifically covered in this chapter.

**(d) Adoption of Building Codes and Standards.** The building codes and standards adopted in Section 292a shall be applicable to new building and structure and existing buildings and structures. Each subsequent edition of the codes shall become effective six months after publication. The Commissioner shall publish notice of the adoption of subsequent editions of the codes not less than three months before the effective date.

**(e) Commissioner Duties.** The Commissioner, or his designee is authorized to perform the duties and powers of the building official as defined in the International Building Code, International Residential Code, International Energy Conservation Code and associated codes and standards. The Commissioner shall have the authority to appoint a deputy building official, the related technical officers, inspectors, plan examiners and other employees. Such employees shall have powers as delegated by the Commissioner.

**(f) Additional requirements.** The Commissioner, on his own initiative, or at the request of any interested party, may determine in special cases any additional requirements necessary for the strength or stability of any building or structure to include higher earthquake wind, and flood standards, as applicable, not

## § 292. General purposes, application, and scope

specifically covered by this chapter; provided that such additional requirements shall not be arbitrarily determined and shall be in the public interest. The details of the additional requirements shall be recorded and entered into the files of the Permitting Office and shall be promulgated in regulations in accordance with law.

**(g) Projects sponsored by public entities.** The Commissioner may vary the requirements of this chapter for public projects or other projects related directly to the public interest, such as a housing project, school, public building, a health facility, or other similar project, when it is deemed justified for the general welfare and convenience of the community. Where such projects are located in a special flood hazard area, prior to granting a variance to provision in the Building Code for flood resistant construction, the Commissioner shall satisfy the requirement for variances specified in Appendix G of the International Building Code, as amended by this chapter. Where the contract for the erection of a public facility or a structure directly related to the public interest is to be awarded after competitive bidding, the Commissioner shall issue an order describing the variance and include the order among the bid documents submitted to interested bidders. In all other cases, the Commissioner shall file an order describing the variance with the Division of Comprehensive and Coastal Zone Planning, Division of Coastal Zone Management Office of State Historic Preservation, Division of Environmental Protection and Division of Permits and attach copies thereof to the plans approved and distributed in accordance with the procedure set forth in section 295(b)(3) of this title. The order describing the variance shall set forth the reason for authorizing a variance from the requirements of this chapter, and variances granted under this subsection shall in no case reduce the structural capability and safety of the facility.

**(h)** Notwithstanding the provisions of any other law, the Commissioner shall resolve any and all discrepancies between the codes adopted and incorporated by reference herein, or any portion thereof, and any other provision of the Virgin Islands Building Code, and when such discrepancies involve building standards, the Commissioner shall apply the higher standard, and shall further have the authority to define all applicable terms by rules and regulations, unless any such term has been previously defined within this chapter.

**(1)** The Commissioner shall consider each edition of the codes adopted in Section 292a subsequent to the 2018 editions as the basis on which to consider amendments.

**(2)** The Commissioner shall consider only amendments that do not reduce the structural integrity and safety of buildings.

**(3)** The Commissioner shall consider only amendments that are determined to be in the best interests of the territory.

**(4)** Amendments to the code shall be provided in writing, published and available to the public for reference at least 90 days prior to the date the codes are effective.

**(i)** Notwithstanding the provisions of any other law, the Commissioner shall have the authority to adopt and incorporate by reference through rules and regulations any subsequent amendments to the standardized codes, or portions thereof, adopted and incorporated by reference in this chapter.

## History

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—Amended Apr. 1, 1964, No. 1142, Sess. L. 1964, p. 95; June 24, 1987, No. 5265, § 303(o), Sess. L. 1987, p. 44; Nov. 9, 1995, No. 6087, §§ 1–5, Sess. L. 1995, p. 233; Nov. 23, 2004, [No. 6697, §§ 1\(a\), 1\(b\), 1\(c\), 1\(n\), 1\(u\), Sess. L. 2004](#), pp. 231–233; amended Apr. 11, 2024, [No. 8818, § 1\(a\)-\(h\), Sess. L. 2024](#), p. —.

Annotations

## Notes

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## HISTORY

### Editor's note.

The Historic Preservation Commission was continued as an agency of the Government attached to the Department of Planning and Natural Resources. See [3 V.I.C. § 403](#).

### Revision note

#### —1964.

Substituted “May 1, 1964” for “the effective date of this chapter” in subdivisions (b)(2) and (3) in light of § 312(h) of this title and for purposes of clarity pursuant to [1 V.I.C. § 14](#).

### Amendments

#### —2004.

Act 6697, § 1, inserted “to include higher earthquake and hurricane standards recommended by FEMA within its Construction Information Guide for a Stronger Home 3rd Edition Feb. 1996” following “structure” in subsection (d); substituted “2003 International Building Code and any subsequent amendments thereto” for “1994 Uniform Building Code and any subsequent amendments thereto” in subsections (f) and (g); substituted “Chapters one through thirty-five” for “Chapters one through seven, ten, and fourteen through thirty-five” in subsection (g); and in subsection (h), substituted “one through forty-three” for “one through nine, eighteen, nineteen, twenty-two, and, twenty-eight through forty-seven”, substituted “International Residential Code, 2003 edition, and any subsequent amendments thereto” for “Council of American Building Officials One and Two Family Dwelling Code, 1995 edition, and any subsequent amendments thereto”; and added subsection (k).

#### —1995.

Subsections (f)–(j): Added.

#### —1987.

Substituted “Historic Preservation Commission” for “Planning Board” following “Virgin Islands” in the third sentence of subsection (e).

## ANNOTATIONS

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### 1. Signs.

A permit is necessary under the provisions of the Building Code for the erection of a sign in any case where such sign involves the making of a structure as a part thereof. 4 V.I. Op. Att’y Gen. 268.

### Cited.

Cited in [Swanston v. Government of the Virgin Islands, 17 V.I. 158, 1980 V.I. LEXIS 80 \(Terr. Ct. St. C. 1980\)](#); [Utesch v. Atlas Motor Inns, Inc., 687 F.2d 20, 1982 U.S. App. LEXIS 16361 \(3d Cir. 1982\)](#).

## Research References & Practice Aids

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### Hierarchy Notes:

§ 292. General purposes, application, and scope

[29 V.I.C.](#)

[29 V.I.C. Ch. 5](#)

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## 29 V.I.C. § 292a

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*Virgin Islands Code Annotated* > **TITLE TWENTY-NINE Public Planning and Development (Chs. 1 — 24)** > **Chapter 5. Building Code (§§ 291 — 312)** > **Subchapter I. Title and General Provisions (§§ 291 — 293)**

### § 292a. Adoption and Amendment of Codes and Standards

**(a) General.** The Codes set forth in this title are hereby adopted by reference. Such Codes shall be kept available for use or reference by the general public by the Department of Planning and Natural Resources. No special permit shall be required for the installation of the type of equipment covered except insofar as building structural elements are involved and electrical and plumbing connections are to be made. Building, electrical, and plumbing permits respectively shall be required where such work is to be done. If, however, on any inspection of work involving elevators, moving stairs, dumbwaiters, boilers, gas piping, gas appliances, and mechanical refrigeration systems (including air conditioning units), equipment and installation work is found not to conform to the Codes cited in this title, the Commissioner may order that corrections be made.

#### **(b) Public and Non-Public Buildings**

**(1)** International Building Code. The International Building Code, effective March 1, 2018, promulgated and published by the International Code Council, and any subsequent editions or amendments thereto, is adopted and incorporated by reference in the Virgin Islands Building Code as if fully set forth, except as it is amended by the following provisions and any subsequent amendments adopted pursuant to Section 292(h) of this chapter. Each subsequent edition of the International Building Code shall become effective six months after publication. This code shall be applicable to every public and non-public building and structure in the Virgin Islands except one- and two-family dwellings and townhouses not more than three stories in height with a separate means of egress, and their accessory structures not more than three stories in height.

**(2)** International Building Code Appendices. Provisions in the appendices of the International Building Code shall not apply unless specifically adopted by the Commissioner of the Department of Planning and Natural Resources. The following appendices are hereby specifically adopted and incorporated by reference: Appendix E - Supplementary Accessibility Requirements; Appendix F - Rodent Proofing; Appendix G - Flood Resistant Construction; Appendix I - Patio Covers; Appendix M - Tsunami Generated Flood Hazards; and Appendix N - Replicable Buildings.

**(3)** International Building Code Amendments. When the International Building Code is amended, the provisions herein shall be amended as set forth in this section, where new text is shown underlined, deleted text is shown with strike-thru, and “Reserved” means the section or item designation is retained and the content is deleted in its entirety. Subsequent amendments may be adopted by the Commissioner of the Department of Planning and Natural Resources pursuant to section 292a of this chapter. The following amendments are hereby adopted.

**(A)** IV structure and shall be provided with a storm shelter constructed in accordance with ICC 500. The Commissioner shall maintain a record of buildings with storm Reserve Section 402.6.4 as follows: Section 402.6.4 Plastic Signs. [Reserved.]

## § 292a. Adoption and Amendment of Codes and Standards

- (B)** Add a new Section 423.3.1 as follows: Section 423.3.1 Hurricane shelters. Public schools with an occupant load of 50 or more, 911 call stations, emergency operations centers and fire, rescue, ambulance and police stations shall comply with Table 1604.5 as a Risk Category shelters.
- (C)** Modify Section 1505.10 as follows: Section 1505.10 Roof gardens and landscaped roofs. Roof gardens and landscaped roofs shall comply with Section 1505.1 and 1507.16 and shall be installed in accordance with ANSI/SPRI VF-1. Stone, loose materials or garden debris capable of becoming wind-borne debris during a hurricane shall not be used as part of the design and be removed regularly.
- (D)** Add a new Section 1612.2.1 as follows: Section 1612.2.1 Additional requirements for enclosed areas below elevated buildings. In addition to the requirements of ASCE 24, enclosed areas below elevated buildings:
- (1)** Shall not be partitioned or finished into separate rooms except for stairwells, ramps, and elevators, unless a partition is required by the fire code. Where perimeter wall foundations are permitted, this limitation does not apply to load-bearing walls interior to the perimeter walls or partition walls when constructed above the base flood elevation.
  - (2)** Shall have the minimum necessary access to allow for parking of vehicles (garage door) or limited storage (standard exterior door) or entry to the elevated building (stairway or elevator).
  - (3)** Shall, in coastal high hazard areas and Coastal A Zones, be enclosed only by insect screening, lattice work or decorative screening, provided the screening or lattice work is designed to break away under base flood or lesser conditions without imparting additional flood loads to the foundation of the building.
- (E)** Modify Section 1612.3 as follows: Section 1612.3 Establishment of flood hazard areas. To establish flood hazard areas, the applicable governing authority shall adopt a flood hazard map and supporting data. The flood hazard map shall include, at a minimum, areas of special flood hazard as identified by the Federal Emergency Management Agency in an engineering report entitled "The Flood Insurance Study for U.S. Virgin Islands," dated April 16, 2007, as amended or revised with the accompanying Flood Insurance Rate Map (FIRM) and Flood Boundary and Floodway Map (FBFM) and related supporting data along with any revisions thereto. The adopted flood hazard map and supporting data are hereby adopted by reference and declared to be part of this section.
- (F)** Modify Section 2901.1 as follows: Section 2901.1 Scope. The provisions of this chapter and the Uniform Plumbing Code shall govern the design, construction, erection and installation of plumbing components, appliances, equipment and systems used in buildings and structures covered by this code. Toilet and bathing rooms shall be constructed in accordance with Section 1209. Private sewage disposal systems shall conform to the International Private Sewage Disposal Code. The International Fire Code, and the Uniform Plumbing Code shall govern the use and maintenance of plumbing components, appliances, equipment and systems. The Uniform Plumbing Code shall govern the alteration, repair, relocation, replacement and addition of plumbing components, appliances, equipment and systems.
- (G)** Modify Appendix G Section G103.4 as follows: Section G103.4 Activities in riverine flood hazard areas with base flood elevations. In riverine flood hazard areas where base elevations are specified but floodways have not been designated, the building official shall not permit any new construction, substantial improvement or other development or encroachment, including fill, unless the applicant submits an engineering analysis prepared by a registered design professional, demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachment, will not increase the base flood elevation more than one foot (305 mm) at any point within the community.
- (H)** Add a new Appendix G Section G103.4.1 as follows: Section G103.4.1 Activities in riverine flood hazard areas without base flood elevations. In riverine flood hazard areas where base flood elevations are not specified and floodways have not been designated, the building official shall not

## § 292a. Adoption and Amendment of Codes and Standards

permit any new construction, substantial improvement or other development or encroachment, including fill, within a minimum distance of 25 feet from the top of the stream bank on each side, or 30 feet from the centerline of a stream, drainage way or swale, whichever is greater, unless the applicant submits an engineering analysis prepared by a registered design professional, demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachment, will not result in any increase in flood levels during occurrence of the base flood discharge.

**(I)** Add a new Appendix G Section G501.0 as follows: Section G501.0 Installation prohibited. Installation of manufactured homes in floodways shall not be permitted except in an existing manufactured home park or subdivision.

**(4)** Additional requirements for public and non-public buildings. In addition to the requirements of the applicable building code, public and non-public buildings shall comply with the following:

**(A)** Roof mounted solar panels. Where roof mounted solar panels are provided, the solar panels shall have a hail damage rating of VSH (very severe hail) in accordance with the latest edition of FM 4478, Roof Mounted Rigid Photovoltaic Modules.

**(B)** Mechanically mounted rails or racks for solar panels. Mechanically anchored rails or racks for solar panels shall be specified. Ballasted racks or rails are not permitted. Racks and rails that are attached to the roof surface with adhesive are not permitted.

**(C)** Gutters. Where external gutters are provided, gutter systems shall meet the requirements specified in the latest edition of ANSI/SPRI GT-1, Test Standard for Gutter Systems.

**(c) One- and Two-Family Dwellings and Townhouses.**

**(1)** Detached one- and two-family dwellings and townhouses not more than three stories in height with a separate means of egress and their accessory structures not more than three stories above grade plane in height. The International Residential Code, effective March 1, 2018, promulgated and published by the International Code Council, and any subsequent editions or amendments thereto, is adopted and incorporated by reference in the Virgin Islands Building Code as if fully set forth, except as it is amended by the following provisions and any subsequent amendments adopted pursuant to Section 292(h) of this chapter. Each subsequent edition of the International Residential Code shall become effective six months after publication. This code shall be applicable to every residential building and structure in the Virgin Islands.

**(2)** International Residential Code Appendices. Provisions in the appendices of The International Residential Code shall not apply unless specifically adopted. The following appendices are hereby specifically adopted and incorporated by reference: Appendix E - Manufactured Homes Used as Dwellings, Appendix F, Radon Methods, Appendix H - Patio Covers, and Appendix I - Private Sewage Disposal.

**(3)** International Residential Code Amendments. The International Residential Code shall be amended as set forth in this section, where new text is shown underlined, deleted text is shown with strike-thru, and "Reserved" means the section is deleted in its entirety. Subsequent amendments may be adopted pursuant to Section 292a of this chapter.

**(A)** Modify Section R301.1.1 as follows: Section R301.1.1 Alternate Provisions. As an alternative to the requirements in Section R301.1, the following standards are permitted subject to the limitations of this code and the limitations therein. Where engineered design is used in conjunction with these standards, the design shall comply with the International Building Code.

1. AWC Wood Frame Construction Manual (WFCM).

Click here to view this image.

2. AISI Standard for Cold-Formed Steel Framing-Prescriptive Method for One- and Two-Family Dwellings (AISI S230).

## § 292a. Adoption and Amendment of Codes and Standards

3. ICC Standard on the Design and Construction of Log Structures (ICC 400).
4. Construction Information for a Stronger Home (4<sup>th</sup> Edition, April 2018 such that wind loads meets or exceed current values in the International Residential Code.

**(B)** Complete Table R301.2(1) as shown in the following figure:

Exhibit a: table r301.2(1) climatic and geographic design criteria

**(C)** Modify Section R301.2.1.5 as follows:

1. Modify Section R301.2.1.5. Section R301.2.1.5 Topographic wind effects. Topographic wind effects shall be considered in the design of the building in accordance with Section R301.2.1.5.1 or in accordance with the most current provisions of ASCE 7.
2. Modify Section R301.2.1.5.1. Section R301.2.1.5.1 Simplified topographic wind speed-up method. As an alternative to the ASCE 7 topographic wind provisions, the provisions of Section R301.2.1.5.1 shall be permitted to be used to design for wind speed-up effects. Structures shall be designed for an increased basic wind speed as determined by Figure(s) R301.2.1.5.1 (4) through R301.2.1.5.1(6). The most current version of these maps at the time of construction shall apply.

Click here to view this image.

Figure R301.2.1.5.1 (4) - Wind Speed-Up Map for St. Thomas, USVI

(lookup tool <http://hazards.actcouncil.org>)

Click here to view this image.

Figure R301.2.1.5.1 (5) - Wind Speed-Up Map for St. Croix, USVI

(lookup tool <http://hazards.actcouncil.org>)

Click here to view this image.

Figure R301.2.1.5.1 (6) - Wind Speed-Up Map for St. John, USVI

(lookup tool <http://hazards.actcouncil.org>)

**(D)** Modify Section R301.2.4 as follows: Section R301.2.4 Floodplain construction. Buildings and structures constructed in whole or in part in flood hazard areas (including A or V Zones) as established in Table R301.2(1), and substantial improvement and repair of substantial damage of buildings and structures in flood hazard areas, shall be designed and constructed in accordance with ASCE 24.

**(E)** Modify Section R302.3 as follows: Section R302.3 Two-family dwellings. Dwelling units in two-family dwellings shall be separated from each other by wall and floor assemblies having not less than a 2-hour fire-resistance rating where tested in accordance with ASTM E119, UL 263 or Section 703.3 of the International Building Code. Fire-resistance-rated floor/ceiling and wall assemblies shall extend to and be tight against the exterior wall, and wall assemblies shall extend from the foundation to the underside of the roof sheathing.

**(F)** Reserve Section R309.5 as follows: Section R309.5 Fire sprinklers. [Reserved.]

**(G)** Modify Section R313 as follows:

1. Modify Section R313.1: Section R313.1 Townhouse fire resistance. Townhouses shall be provided with a common 2-hour fire-resistance-rated wall assembly tested in accordance with ASTM E119, UL 263. The wall shall be rated for fire exposure from both sides and shall extend to and be tight against exterior walls and the underside of the roof sheathing. Electrical installations shall be installed in accordance with Chapters 34 through 43. Penetrations of electrical outlet boxes shall be in accordance with Section R302.4. The fire-resistance-rated wall or wall assemblies separating townhouses shall be continuous from the foundation to the

## § 292a. Adoption and Amendment of Codes and Standards

underside of the roof sheathing, deck or slab. The fire resistance rating shall apply to the full length of the wall or assembly, including wall extensions.

Exception: Where automatic sprinkler systems are provided, the wall or wall assemblies separating townhouses shall have not less than a 1-hour fire-resistance rating tested in accordance with ASTM E119, UL 263.

2. Reserve Section R313.1.1 as follows: Section R313.1.1 Design and Installation. [Reserved.]

3. Reserve Section R313.2 as follows: Section R313.2 One-and two-family dwellings automatic fire sprinkler systems. [Reserved.]

4. Reserve Section R313.2.1 as follows: Section R313.2.1 Design and installation. [Reserved.]

**(H)** Modify Section R322.1 as follows: Section R322.1 General. Buildings and structures constructed in whole or in part in flood hazard areas, including A or V Zones and Coastal A Zones, as established in Table R301.2(1), and substantial improvement and repair of substantial damage of buildings and structures in flood hazard areas, shall be designed and constructed in accordance with ASCE 24.

**(I)** Reserve Section R322.1.1 and all subsequent sections in Section R322 through Section R322.3.10 as follows:

Section R322.1.1 Alternative provisions. [Reserved.]

Section R322.1.2 Structural systems. [Reserved.]

Section R322.1.3 Flood-resistant construction. [Reserved.]

Section R322.1.4 Establishing the design flood elevation. [Reserved.]

Section R322.1.4.1 Determination of design flood elevations. [Reserved.]

Section R322.1.4.2 Determination of impacts. [Reserved.]

Section R322.1.5 Lowest floor. [Reserved.]

Section R322.1.6 Protection of mechanical, plumbing and electrical systems. [Reserved.]

Section R322.1.7 Protection of water supply and sanitary sewage systems. [Reserved.]

Section R322.1.8 Flood-resistant materials. [Reserved.]

Section R322.1.9 Manufactured homes. [Reserved.]

Section R322.1.10 As-built elevation documentation. [Reserved.]

Section R322.2 Flood hazard areas (including A Zones). [Reserved.]

Section R322.3 Coastal high-hazard areas (including V Zones and Coastal A Zones, where designated). [Reserved.]

**(4)** Additional requirements for one- and two-family dwellings and townhouses. In addition to the requirements of the applicable building code, one-and two-family dwellings and town homes shall comply with the following:

**(A)** Staged Construction. Where staged construction occurs and the duration of residential construction will exceed six months, or construction has been suspended for longer than six months, or where unfinished construction will be exposed to the environment for longer than six months, provisions shall be made for weathering protection of exposed materials (i.e., rebar, wood, etc.). When a permit renewal is requested, the architect or engineer of record shall demonstrate that any materials not protected from weathering that were exposed for longer than six months have maintained adequate strength.

## § 292a. Adoption and Amendment of Codes and Standards

**(B) Roof systems.** Roof systems shall meet the more restrictive requirements in the latest edition of the Construction Information for a Stronger Home and the International Residential Code. In addition, the following conditions shall apply:

1. Corrugated metal roof panels shall meet the requirements of ASTM A792 Grade 50-B (aluminium zinc alloy), 24-gauge minimum, 7/8" ribs at 2-5/8" on center. Factory-applied coating is optional.
2. At roof panel eaves and ridge/hips, pre-fabricated foam closures and sealant tape shall be provided. Sealant tape shall be provided at side laps.
3. Hip, ridge and rake flashings shall be the same material type and gauge as the roof panels.
4. Exposed fasteners for corrugated metal panels shall be #14 x 2-1/2" Long Stainless steel Self-Drilling Roofing Screw and minimum 1/2" diameter gasketed washer for attaching to nailers. Metal roof panel fasteners shall be 1 long for stitching panel side laps and attaching hip and ridge flashings.
5. All Pressure treated wood used under the metal roofing shall have Use Category of UC3A for above ground installation shall be manufactured in accordance with the American Wood Protection Association requirements.
6. Underlayment: Where corrugated metal roof systems are provided, self adhering modified bitumen complying with ASTM D1970 shall be provided under metal roof panels.
7. Rafters shall have a minimum nominal thickness of 3-inches (3x section).

**(C) Roof mounted solar panels.** Where roof mounted solar panels are provided, the solar panels shall have a hail damage rating of VSH (very severe hail) in accordance with the latest edition of FM 4478, Roof Mounted Rigid Photovoltaic Modules.

**(D) Mechanically mounted rails or racks for solar panels.** Mechanically anchored rails or racks for solar panels shall be specified. Ballasted racks or rails are not permitted. Racks and rails that are attached to the roof surface with adhesive are not permitted.

**(E) Gutters.** Where external gutters are provided, gutter systems shall meet the requirements specified in the latest edition of ANSI/SPRI GT-1, Test Standard for Gutter Systems.

**(d) Energy Requirements.**

**(1) International Energy Conservation Code.** The International Energy Conservation Code, effective March 1, 2018, promulgated and published by the International Code Council, and any subsequent editions or amendments thereto, is adopted and incorporated by reference in the Virgin Islands Building Code as if fully set forth, except as it is amended by the following provisions and any subsequent amendments adopted pursuant to section 292(h) of this chapter. Each subsequent edition of the International Energy Conservation Code shall become effective six months after publication. This code shall be applicable to every building and structure in the Virgin Islands.

**(2) International Energy Conservation Code Appendices.** Appendices of the 4 International Energy Conservation Code are not adopted.

**(3) International Energy Conservation Code Amendments.** The International Energy Conservation Code shall be amended as set forth in this section, where new text is shown underlined, deleted text is shown with strike-thru, and "Reserved" means the section is deleted in its entirety. Subsequent amendments may be adopted pursuant to section 292a 9 of this chapter.

**(A)** In the ICC-Commercial Provisions, modify Section C302.1 as follows: Section C302.1 Interior design conditions. The interior design temperatures used for heating and cooling load calculations shall be a maximum of 72°F (22°C) for 13 heating and minimum of 75°F (24°C) for cooling.

**(B)** In the ICC-Commercial Provisions, reserve Section C406 as follows: Section C406. Additional Efficiency Package Options. [Reserved.]



## § 292a. Adoption and Amendment of Codes and Standards

(C) In the ICC-Residential Provisions, reserve Section R401.2.1, item 7, as follows: Section R401.2.1 Tropical Zone 7. [Reserved.]

(D) In the ICC-Residential Provisions, reserve Chapter 5 as follows: Chapter 5 [RE], Existing Buildings. [Reserved.]

## History

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—Added Apr. 11, 2024, [No. 8818, § 2, Sess. L. 2024](#), p. —.

Annotations

## Research References & Practice Aids

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### Hierarchy Notes:

[29 V.I.C.](#)

[29 V.I.C. Ch. 5](#)

[29 V.I.C. Ch. 5, Subch. I](#)

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End of Document

## 29 V.I.C. § 293

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*Virgin Islands Code Annotated* > **TITLE TWENTY-NINE Public Planning and Development (Chs. 1 — 24)** > **Chapter 5. Building Code (§§ 291 — 312)** > **Subchapter I. Title and General Provisions (§§ 291 — 293)**

### **§ 293. Definitions**

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Unless otherwise noted by this section, terms defined in the codes and standards adopted in section 292a, including the International Building Code, International Residential Code, International Fire Code, International Energy Conservation Code, International Mechanical Code, and Uniform Plumbing Code, shall have the meanings ascribed to them in those codes.

**Rural area**—Encompasses all population, housing, and land area not included within an urban area. Staged Construction - Residential construction that occurs either over a period of time longer than six months, or where construction is suspended temporarily for longer than six months, or where the building owner is living in one portion of the home while another portion, floor or level is under construction and exposed to the environment.

**Urban area**—Comprises a densely settled core of census tracts and/or census blocks that meet minimum population density requirements, along with adjacent land area containing non-residential urban land uses as well as land area with low population density included to link outlying densely settled land area with the densely settled core. To qualify as an urban area, the land area identified according to criteria must encompass at least 2,500 people, at least 1,500 of which reside outside institutional group quarters. The U.S. Census Bureau identifies two types of urban areas: Urbanized Areas (UAs) of 50,000 or more people; Urban Clusters (UCs) of at least 2,500 and less than 50,000 people. Refer to the U.S. Census for definitions and terms related to urban area.

### **History**

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—Amended Apr. 1, 1964, No. 1142, Sess. L. 1964, p. 95; June 24, 1987, No. 5265, § 303(a), Sess. L. 1987, p. 42; amended Apr. 11, 2024, [No. 8818, § 3 \(a\), \(c\), Sess. L. 2024](#), p. —.

Annotations

### **Notes**

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#### **HISTORY**

#### **Revision note**

—1982.

## § 293. Definitions

Substituted “Board of Land Use Appeals” for “Board of Zoning, Subdivision and Building Appeals” and “section 125 of Title 3” for “section 135 of Title 3” in the paragraph defining the former in light of Act December 9, 1982, No. 4774, § 6, Sess. L. 1982, p. 278. [Section 135 of Title 3, Virgin Islands Code](#), which created the “Board of Zoning, Subdivision, and Building Appeals,” was repealed by Act June 24, 1987, No. 5265, § 303(d), Sess. L. 1987, p. 42. See also [3 V.I.C. § 125](#).

**Amendments****—1987.**

Substituted “Commissioner of Planning and Natural Resources” for “Commissioner of Public Works” in the definitions of “Commissioner” and “Permit official”.

**ANNOTATIONS**

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**Cited.**

Cited in [Utesch v. Atlas Motor Inns, Inc., 687 F.2d 20, 1982 U.S. App. LEXIS 16361 \(3d Cir. 1982\)](#).

**Research References & Practice Aids**

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**Hierarchy Notes:**

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[29 V.I.C. Ch. 5](#)

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## [29 V.I.C. Ch. 5, Subch. II](#)

Statutes current through Act 8813 of the 2023 session of the 35th Legislature, including all code changes through March 28, 2024

*Virgin Islands Code Annotated* > *TITLE TWENTY-NINE Public Planning and Development (Chs. 1 — 24)* > *Chapter 5. Building Code (§§ 291 — 312)* > *Subchapter II. Permits, Appeals, and Fees (§§ 294 — 296)*

### **Subchapter II. Permits, Appeals, and Fees**

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Annotations

### **Notes**

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#### **HISTORY**

##### **Codification.**

Subchapter was enacted without a title, which was supplied by the editor.

### **Research References & Practice Aids**

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#### **Hierarchy Notes:**

[29 V.I.C.](#)

[29 V.I.C. Ch. 5](#)

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## 29 V.I.C. § 294

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*Virgin Islands Code Annotated* > **TITLE TWENTY-NINE Public Planning and Development (Chs. 1 — 24)** > **Chapter 5. Building Code (§§ 291 — 312)** > **Subchapter II. Permits, Appeals, and Fees (§§ 294 — 296)**

### **§ 294. Permits**

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#### **(a) Permits, requirements for exceptions.**

- (1)** After May 1, 1964, a permit issued by the Commissioner shall be required for the construction, reconstruction, structural alteration, enlargement, moving, conversion, or demolition of any building or structure, or appurtenances connected or attached to such buildings or structures.
- (2)** Special building permits for a limited time must be obtained before the erection of temporary structures, including but not limited to, reviewing stands and booths. Such structures shall be completely removed upon the expiration of the period of time stated in the permit.
- (3)** A permit issued by the Commissioner shall be required for the placing, erecting, construction, or affixing of any sign to any post, fence, building, or structure for out-of-doors advertising. No sign shall extend a distance of more than 15 inches beyond the street line. Any such sign shall be at least 8 feet in the clear above the level of the sidewalks. If, in the opinion of the Commissioner, any sign or sign structure becomes insecure, or otherwise unsafe, the owner thereof or the person maintaining such structure shall secure it to the satisfaction of the Commissioner after service of written notice by the Commissioner.
- (4)** No building hereafter constructed, structurally altered, reconstructed, or enlarged in whole or part, shall be occupied or used until the Commissioner has made a final inspection thereof upon completion and has issued a Certificate of Use, stating the purpose for which the building or parts thereof may be used.
- (5)** No permit shall be required for nonstructural alterations, such as renewal of carpentry or blacksmith work, plastering, replacement of windows, doors, siding, roof covering material, or floor covering material (of approximately equal weight to that being replaced); or for the erection, removal, or change of position of nonload bearing interior partitions in residential buildings provided that one or more additional dwellings are not made available by so doing and provided that the ventilation of the rooms is not adversely affected.
- (6)** Any building, structure, or sign set up, erected, constructed, reconstructed, structurally altered, enlarged, moved, or converted contrary to the provisions of this subchapter is unlawful and a public nuisance.

#### **(b) Issuance of permits.** After May 1, 1964, the issuance of permits shall be governed by the following provisions:

- (1)** No building permit shall be issued for the construction, reconstruction, enlargement, alteration, moving, or conversion of any building in whole or in part unless the building or structure conforms with the provisions of this chapter except that those applications already submitted prior to May 1, 1964, shall be processed as being subject to the previous code.
- (2)** No building permit shall be issued for the construction, reconstruction, enlargement, alteration, moving, or conversion of any building in whole or in part unless the electric wiring for the transmission

## § 294. Permits

of electric power or for lighting conforms in design and materials to the regulations for Electrical Wiring and Apparatus of the National Board of Fire Underwriters determined to be applicable under the rules and regulations referred to in section 312(b) of this title.

**(3)** No building permit shall be issued for the construction, reconstruction, enlargement, alteration, moving, or conversion of any building in whole or in part unless: (i) the plumbing system proposed conforms in design and materials to the Uniform Plumbing Code published by the International Association of Plumbing and Mechanical Officials and pertinent rules and regulations issued by the Commissioner of Health and contained in sections 1404–80 to 1404–94 and sections 1522–1 to 1522–122 of Title 19 of the Virgin Islands Rules and Regulations and, (ii) the pool, spa, and or Hot Tub, proposed conforms in design and materials to the most current edition of the Uniform Swimming Pool, Spa, and Hot Tub Code published by the International Association of Plumbing and Mechanical Officials.

**(4)** No building permit shall be issued for the construction, reconstruction, enlargement, alteration, moving or conversion of any building in whole or in part unless the permit application demonstrates sufficiently that the proposed building site will be reasonably safe from flooding. If a proposed building site is in an area or location known to be subject to the hazard of flooding, no permit shall issue unless the permit application and accompanying plans and specifications show that any proposed new construction or substantial improvement, including prefabricated and mobile homes, will be designed, or modified in such a way that it will be sufficiently anchored to prevent flotation, collapse or lateral movement, and that the construction materials and utility equipment are all resistant to flood damage, and that the methods of construction will minimize flood damage.

**(5)** The issuance of a permit or the approval of plans and specifications shall not be a permit for, or an approval of, any violations of this chapter or any applicable portion of the Virgin Islands Code or of the Virgin Islands Rules and Regulations. No permit presuming to give authority to violate the provisions of the Virgin Islands Code or applicable Virgin Islands Rules and Regulations shall be valid, except in so far as the work or use which it authorizes is lawful.

**(6)** The issuance of a permit shall not prevent the Commissioner from thereafter requiring the correction of errors in plans and specifications or from preventing the building operations being carried on thereunder when in violation of this chapter or other laws.

**(7)** The requirements of the Virgin Islands Zoning and Subdivision Law, sections 221–242 of this title, the Sanitation Code, chapter 53 of Title 19, Virgin Islands Code, and chapters 5 and 7 of Title 6, Virgin Islands Code, and the rules and regulations provided for therein shall be conformed to.

If the Commissioner finds that the undertaking covered in an application submitted under subsection (d) of this section complies in every respect with this chapter and with the applicable rules and regulations referred to in section 312(b) of this title and section 1401 of Title 19, and has been approved by the Director of the Virgin Islands Fire Service where required under Title 23, section 603a, and all other provisions of this Code or other law, he shall, within thirty (30) days after receipt of the application, issue a permit therefor; otherwise he shall notify the applicant that his application for a permit requires revision or has been rejected.

Every permit issued by the Commissioner shall expire by limitation and become null and void if the building or the work is not commenced 120 days from the date of the issuance, or if the building or work is suspended or abandoned at any time after the work is commenced for a period of 3 years. An extension of time may be granted by the Commissioner.

Before such work can be recommenced after the expiration of a permit, a new permit shall be first obtained and the fee charged therefor shall be one-half the amount required for a new permit, provided no changes have been made or will be made in the original plans and specifications for such work and provided further that such suspension or abandonment has not exceeded 3 years. When a building permit is issued, both sets of plans and specifications shall be stamped “Approved” and signed by the Commissioner. Such approved plans and specifications shall not be changed, modified, or altered without the permission of the

## § 294. Permits

Commissioner, and all work shall be done in accordance with the approved plans. One set of the approved plans, specifications, and other data shall be returned to the applicant upon payment of the balance of the permit fee. The applicant's approved set shall be readily available to inspectors at the site of the work and the permit shall be prominently displayed there. If through no fault of the owner, he finds it impossible to comply with the provisions of subsection (a) of this section and this subsection, the Commissioner, in his discretion, may waive any applicable requirement upon application of the owner.

**(c) Issuance of permits for use and occupancy.** Upon completion of the work for which a building permit has been issued, and upon certification to the Commissioner that after inspection, the work performed under the permit conforms to the requirements of this chapter and other applicable laws, the Commissioner shall issue a Certificate of Use and Occupancy.

(1) No permit of Certificate of Use and Occupancy shall be issued for any building that is hereafter constructed, reconstructed, enlarged, altered, or moved, in whole or in part, unless the building conforms to the provisions of this chapter with respect to the proposed use.

(2) Temporary Certificates may be issued for portions of buildings considered habitable and safe.

(3) No change of use or occupancy shall be made in a building unless such building conforms to the provisions of this chapter with respect to the proposed new use. If the use of only a portion of the building is changed and that portion is separated from the rest, then only such portion need be made to conform to the provisions of this chapter for the new use.

**(d) Application for permits.** Applications shall be made by completing and submitting two copies each of application forms as furnished by the Department of Planning and Natural Resources. These forms shall require, and the applicant shall furnish thereon and therewith the following:

(1) A general statement of the proposed work;

(2) Location of the proposed work by plot number, estate, and quarter or house number, street, and quarter;

(3) Use and occupancy of the proposed structure;

(4) Names and mailing addresses of owner of structure, owner of plot, and applicant;

(5) Names and addresses of all engineers, architects or contractors who will supervise the work, unless the work is exempt under section 298(a) of this title and the names and addresses of all subcontractors who will perform the work;

(6) Receipt from the Department of Planning and Natural Resources showing that a nonrefundable deposit of \$2 has been paid on the permit fee;

(7) Other information which may reasonably be required by the Commissioner in order to enforce the provisions of this chapter and pertinent rules and regulations;

(8) When the estimated value of the proposed construction exceeds \$1,000, the application forms shall be accompanied by two sets of plans and specifications, and a separate set of plans and specifications shall be delivered to the Director of the Virgin Islands Fire Service for inspection for compliance with fire safety regulations pursuant to Title 23, section 603a of this Code.

**(e) Plans.** Plans are required to make possible the checking of the proposed work for structural soundness and stability as to accepted engineering practice and to ascertain compliance with other requirements of this chapter, and other applicable laws, rules and regulations. Therefore, for all new construction and additions, the following shall be shown on the plans:

(1) Plot plan to scale showing the location of existing structures on the same and on adjoining lots, the proposed structure, adjacent streets or roads, and existing and proposed septic tanks, seepage pits, and cisterns;

(2) Dimensioned foundation plan showing size, location, and spacing of reinforcing steel;

## § 294. Permits

(3) Dimensioned floor plan with columns, plumbing fixtures, window and door openings, and stair wells located thereon. Wall thicknesses shall also be indicated on the floor plans;

(4) **Roof Plan.** If roof is frame type; member sizes, species, grade, spacing and method of securing to walls should be shown. Type, thickness and layers of covering shall be specified. If roof is concrete, thickness, and reinforcing steel size, location, and spacing shall be shown;

(5) Cistern plan (may be part of foundation, floor, and elevation plans): all dimensions; location and size of cistern overflow; size, spacing and location of all reinforcing steel shall be shown;

(6) Sewage disposal system;

(7) **Plumbing system.** Location and sizes of fixtures shall be shown;

(8) **Electrical system.** Location and type of outlets shall be shown;

(9) Identified, dimensioned section views of all typical structural members such as columns, column pads, footings, beams, cantilevers, and slabs showing size, spacing, and location of all reinforcing steel. If house is frame type, the stud size and spacing, thickness of covering materials, and method of securing wood frame to foundation shall be shown;

(10) Front, rear and side elevations showing openings and sizes, flashing, present and finish grades, depths of footings, finish floor and ceiling heights;

(11) For additions, the methods of securing the proposed construction to existing construction shall be shown;

(12) For alterations, the drawings shall show the structural details of all items involved in the work including existing associated structural members. The proposed modification of the existing floor plan shall be shown and the requirements of items (2) through (9) shall apply for the part of the structure involved in or affected by the alteration;

(13) All sheets of the drawings shall bear the name of the draftsman, engineer, architect or other person who prepared them;

(14) The specific code and edition of the code on which the designs are based.

(15) The design loads and other information pertinent to the structural design, including design data for wind, earthquake, and flood loads.

(16) The Commissioner may require that computations and stress diagrams be submitted by the applicant where such are necessary to demonstrate the structural soundness of the proposed construction.

(f) **Revocation of permits.** The Commissioner may revoke any permit issued under the provisions of this chapter whenever there has been any false statement or any misrepresentation as to a material fact in the application on which the permit was based, or whenever any permit has been issued in error and conditions are such that the permit should not have been issued, or at any time that the Commissioner finds that the provisions of this chapter are not being complied with.

(g) No permit may be issued under this subchapter unless every sidewalk included in the permit application is designed and constructed as to allow physically disabled persons reasonable access thereto in conformity with section 329 of this chapter.

## History

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—Amended Apr. 1, 1964, No. 1142, Sess. L. 1964, p. 95; July 28, 1972, No. 3282, § 12, Sess. L. 1972, p. 259; Feb. 26, 1974, No. 3522, §§ 2, 3, Sess. L. 1974, p. 22; Sept. 15, 1975, No. 3732, § 1, Sess. L. 1975, p. 128; Dec. 9, 1982, No. 4774, § 5, Sess. L. 1982, p. 278; June 1, 1984, No. 4941, § 3, Sess. L. 1984, p. 142; June 24, 1987,



## § 294. Permits

No. 5265, § 303(a), Sess. L. 1987, p. 42; Jan. 10, 2003, [No. 6571, § 25, Sess. L. 2002](#), p. 601; May 3, 2010, [No. 7168, § 8\(a\), \(b\), Sess. L. 2010](#), p. 62; amended Dec. 31, 2014, [No. 7705, § 5\(a\), \(b\), Sess. L. 2014](#), p. 382; amended Dec. 31, 2014, [No. 7710, § 11, Sess. L. 2014](#), p. 393; amended July 20, 2022, [No. 8578, § 12, Sess. L. 2022](#), p. 157; amended Apr. 11, 2024, [No. 8818, § 4\(a\), \(b\), Sess. L. 2024](#), p. —.

Annotations

## Notes

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### HISTORY

#### Editor's note.

Act 8393, § 1, provided that: “(a) An amnesty is available to property owners who have enclosed or have started to enclose the remaining usable space under their houses without submitting building plans to the Department of Planning and Natural Resources for approval or without the issuance of a building permit, and the enclosed space or the space to be enclosed does not exceed the boundary of the existing structure.

“(b) To qualify for the amnesty, the property owner must submit to the Department of Planning and Natural Resources not later than December 31, 2022, the completed application for a building permit and a complete set of plans for the space that has been enclosed or is in the process of being enclosed.

“(c) Fines and penalties for commencing construction of the enclosed space without approved plans or a building permit are not waived.”

Act 8393, § 3, provided that: “Not more than 60 days after the enactment date of this act, the Commissioner of the Department of Planning and Natural Resources shall establish a two-year amnesty program allowing for the enclosure of remaining usable space for residential purposes at the base of a residential structure. Administrative costs are not waived, and all fees and administrative costs collected in association with the amnesty program must be deposited into the Natural Resources Reclamation Fund.”

#### Revision note

##### —1981.

Substituted “Director of the Virgin Islands Fire Service” for “Commissioner of Public Safety” in the second paragraph of subsection (b)(7) and in subsection (d)(8) in light of Act Oct. 20, 1981, No. 4640, § 1, Sess. L. 1981, p. 243, and for purposes of conformity with section 603a of Title 23, as amended.

##### —1972.

Substituted “ sections 221–242” for “ sections 261–277” in the first paragraph of subsection (b)(7), pursuant to Act Aug. 8, 1972, No. 3284, § 2, Sess. L. 1972, p. 260, which revised and reenacted former sections 260–271 of this title as sections 221–242 of this title. Former section 260 of this title was a statement of purpose.

##### —1964.

Substituted “May 1, 1964” for “the effective date of this chapter” in subsection (a), the introductory language of subsection (b), and in subsection (b)(1), in light of § 312(h) of this title and for purposes of clarity pursuant to [1 V.I.C. § 14](#).

### Amendments

## § 294. Permits

**—2022.**

Act 8578, § 12, substituted “3 years” for “360 days” in the second and third unnumbered paragraphs following subsection (b)(7).

**—2014.**

Act 7705, § 5(a), deleted “or for the installation of Solar Thermal Systems utilizing water storage tanks of 120 gallons or less” at the end of subsection (a)(5).

Act 7705, § 5(b), deleted the second sentence at the end of subsection (b)(3).

Act 7710, § 11, rewrote subsection (b)(3).

**—2010.**

Act 7168, § 8(a), added “or for the installation of Solar Thermal Systems utilizing water storage tanks of 120 gallons or less” at the end of subsection (a)(5).

Act 7168, § 8(b), added the last sentence in subsection (b)(3).

**—2002.**

Act 6571, § 25 substituted “Uniform Plumbing Code published by the International Association of Plumbing and Mechanical Officials” for “National Plumbing Code” in paragraph (3) of subsection (b).

**—1987.**

Subsection (d): Substituted “Department of Planning and Natural Resources” for “Department of Public Works” in the first sentence of the introductory paragraph and in paragraph (6).

**—1984.**

Subsection (g): Added.

**—1982.**

Subsection (b)(7): Inserted “and chapters 5 and 7 of Title 6, Virgin Islands Code” preceding “and the rules”.

**—1975.**

Subsection (b): Subdivisions (4), (5) and (6) renumbered as (5), (6) and (7) respectively and new subdivision (4) added.

**—1974.**

Subsection (b): In second paragraph of subdivision (6) added requirement for approval by the Commissioner of Public Safety under section 603a of Title 23.

Subsection (d): Added provisions in subdivision (8) for deliverance of separate set of plans and specifications to Commissioner of Public Safety for inspection.

**—1972.**

Subsection (d): In subdivision (5) inserted reference to subcontractors.

**Penalties for approval of noncomplying permits.**

## § 294. Permits

Act Nov. 9, 1995, [No. 6087, § 15, Sess. L. 1995](#), p. 236 provided:

“Any inspector, engineer, structural engineer, division head or Commissioner who approves or signs off on any building permit or occupancy permit which does not comply with provisions of the building code as set forth in Title 29 of the Virgin Islands Code shall be subject to a fine of not more than \$2,000 and/or a period of imprisonment of not more than one year.”

## ANNOTATIONS

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### 1. Prior law.

### 2. Generally.

### 3. Voidness.

#### 1. Prior law.

Failure of the owners of the Virgin Isle Hotel to secure a building permit for the building of the hotel and to pay the permit fees was a violation of the mandatory provisions of Act of Legislative Assembly, Bill No. 6, section 5. 3 V.I. Op. Att'y Gen. 269.

Where the owners of the Virgin Isle Hotel failed to secure a building permit and pay permit fee, the Commissioner of Public Works should have determined the fee, based on the cost of the hotel, issued a delayed permit and forwarded it to the Commissioner of Finance for delivery and demand of payment. 3 V.I. Op. Att'y Gen. 269.

#### 2. Generally.

Responsibility for obtaining a building permit is, in the absence to the contrary, that of the contractor. [Sigal v. Three K's, 6 V.I. 628, 1968 V.I. LEXIS 2 \(V.I. Mun. Ct. 1968\)](#).

#### 3. Voidness.

Building permit issued to defendant was void under [V.I. Code Ann. tit. 29, § 294\(b\)](#) because it had expired [Bd. of Dirs. of Shibui Condo. Ass'n v. Darian Solutions, LLC, 2015 V.I. LEXIS 100 \(V.I. Super. Ct. Aug. 31, 2015\)](#).

#### Cited.

Cited in [Utesch v. Atlas Motor Inns, Inc., 687 F.2d 20, 1982 U.S. App. LEXIS 16361 \(3d Cir. 1982\)](#).

## Research References & Practice Aids

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#### Hierarchy Notes:

[29 V.I.C.](#)

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## 29 V.I.C. § 294a

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### **§ 294a. Wireless facilities and wireless support structures**

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- (a) It is unlawful for any person to construct a wireless facility or a wireless support structure or substantially modify an existing structure without an approved application issued by the Department in compliance with this section, in addition to the permit required in section 294 of this chapter, and compliance with the regulations promulgated by the Commissioner.
- (b) The Commissioner shall plan for and regulate the siting and construction of wireless support structures and the substantial modification of existing structures.
- (c) The Commissioner through regulations not inconsistent with this chapter, chapter 3 of this title and [47 USC 151](#) *et seq.*, The Communications Act of 1934, shall prescribe:
- (1) Application procedures for permits for construction of wireless facilities and support structures, the substantial modification of existing structures and special application procedures for temporary wireless facility permits not inconsistent; with this chapter;
  - (2) Contents of applications, and terms and conditions of permits;
  - (3) Procedures for revocation, suspension and modification of permits;
  - (4) Procedures for removal of abandoned and discontinued wireless facilities and support structures after reasonable notice to owners;
  - (5) Limitations on size of equipment shelters associated with wireless facilities or wireless support structures and heights of support structures;
  - (6) Restrictions relating to construction of facilities in the areas of wetlands, established concentrations of migratory, or daily movement flyways and measures for protecting other sensitive habitats and protection from obstruction of scenic views;
  - (7) Procedures for collocation of wireless facilities on existing structures, including, exemptions for application fees or other application requirements;
  - (8) Requirements for owners of towers to conduct inspections;
  - (9) Requirements for compliance of previously permitted towers;
  - (10) Reasonable application and other administrative fees;
  - (11) Such other procedures, requirements, limitations or restrictions considered necessary by the Commissioner.
- (d) The Commissioner shall by regulations require applicants for wireless support structures to provide a commercial surety bond, property bond proof of general liability insurance with a minimum single limit amount of \$1,000,000, or other form of financial guarantee acceptable to the Commissioner on behalf of the Government, in such amount as the Commissioner through regulations may determine is sufficient to cover the costs of removal and disposal of the wireless support structure and components, if necessary.

## § 294a. Wireless facilities and wireless support structures

(e) Upon receipt of a completed application and all documentation required for a wireless support structure or substantial modification of an existing structure, the Department shall hold a public hearing on the application no later than 60 days after receipt of a completed application. The Commissioner through regulations shall establish procedures for notice of the hearing to and participation of adjoining property owners located within a distance of at least 500 feet from the proposed structure and the notice and the participation of the general public in the hearing, the contents of the notice sufficient to give the public information of the general purpose of the hearing and the time and place of the hearing, and other procedures necessary for conducting the hearing.

(f)

(1) Collocations or modifications that are not substantial, as defined in subsection (g), paragraph (2) may not be construed as an expansion, enlargement or increase in intensity of a non-conforming wireless facility or wireless support structure and use must be permitted through such administrative process, as considered appropriated by the Commissioner of Planning & Natural Resources.

(2) For purposes of this section the term, “collocation”, means the placement or installation of wireless facilities on an existing structure, including a Tower in a manner that negates the need to construct a wireless support structure.

(g)

(1) Substantial modification, as defined in paragraph (2) may be made to a non-conforming wireless facility or wireless support structure, pursuant to the regulations promulgated under this section.

(2) Ordinary maintenance may be performed on wireless facilities and wireless support structures that do not meet the height or setback requirements of the regulations promulgated pursuant to this chapter.

(A) increase the existing vertical height of an existing structure by more than 10 percent or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet, whichever is greater; or

(B) involve adding an appurtenance to the body of a existing structure that would protrude horizontally from the edge of the existing structure more than 20 feet, or more than the width of the existing structure at the level of the appurtenance, whichever is greater, except where necessary to shelter the antenna from inclement weather or to connect the antenna to the existing structure via cable.

(3) As used in this section “substantial modification” means, changes to an existing structure for the purpose of placing or rearranging wireless facilities which would:

(h) To ensure the Virgin Islands continue to provide its citizens with the best available technology for responding to emergencies and to allow for better protection of lives and property, the Virgin Islands 911 System and other emergency alert systems must be positioned on wireless facilities that contain the best available technology and positioning must occur at minimal cost to the government.

## History

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—Added Oct. 7, 2011, [No. 7299, § 3, Sess. L. 2011](#), pp. 174–177.

Annotations

## Notes

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HISTORY

**Editor's note.**

Subsection (g)(3) is set out as it appears in the original law.

## **Research References & Practice Aids**

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**Hierarchy Notes:**

[29 V.I.C.](#)

[29 V.I.C. Ch. 5](#)

[29 V.I.C. Ch. 5, Subch. II](#)

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## 29 V.I.C. § 295

Statutes current through Act 8813 of the 2023 session of the 35th Legislature, including all code changes through March 28, 2024

*Virgin Islands Code Annotated* > **TITLE TWENTY-NINE Public Planning and Development (Chs. 1 — 24)** > **Chapter 5. Building Code (§§ 291 — 312)** > **Subchapter II. Permits, Appeals, and Fees (§§ 294 — 296)**

### **§ 295. Appeals—Procedure, Board of Land Use Appeals**

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(a) Any person who feels that an injustice has been done him by any order, rule, or regulation of the Commissioner of Planning and Natural Resources or the Commissioner of Health issued under the authority provided in this Code may appeal therefrom to the Board of Land Use Appeals by filing a written notice of his appeal with the Board within thirty (30) days after receipt of the order or ruling complained of.

Appeals may be taken from any decision or action:

- (1) Approving or disapproving the mode or manner of construction proposed to be followed;
- (2) Approving or disapproving the materials to be used in the erection or alteration of a building or structure;
- (3) When it is claimed that the provisions of the Code do not apply;
- (4) When an equally good or more desirable form of construction than the one required by the permit official can be employed in a specific case;
- (5) When it is claimed that the true intent and meaning of this Code or of some of its provisions have been misconstrued or wrongly interpreted;
- (6) When it is claimed that there are special extraordinary circumstances in the case which justify variances from the requirements established in this Code.

#### **(b) Board of Land Use Appeals**

- (1) In addition to any other powers vested in the Board of Land Use Appeals, said Board shall have the power to hear and decide appeals made against any order, rule or regulation, action or decision made by the Commissioner of Planning and Natural Resources and/or the Commissioner of Health in the enforcement or interpretation of the Building Code.
- (2) The Board shall hold a public hearing in cases of appeal with due notification to the interested parties.
- (3) The Board may, in conformity with the provisions of this section, reverse or affirm, wholly or in part, or may modify the order, requirement, decision, or determination appealed from, and may grant variances in the application of any of the provisions of this chapter to any particular case when, in its opinion, the strict enforcement thereof would be contrary to the spirit and purpose of this chapter, or to the public interest.
- (4) When the Board reaches a decision granting a variance from the application of any of the provisions of this chapter or modifying an order of the Commissioner, the Board shall express in the corresponding resolution in what manner such variance or modification is to be made, the conditions on which the decision was made, and the reasons therefor. Copies of such resolution shall be delivered to the Commissioner and the person or parties making the appeal.
- (5) Action by the Board of appeals shall be taken within thirty (30) days of the receipt of such appeals.



## § 295. Appeals—Procedure, Board of Land Use Appeals

(6) The decisions of the Board shall be subject to review by a court of competent jurisdiction of the Virgin Islands provided an appeal is filed within 45 days of receipt of the decision from the Board.

**(c) Terms of effectiveness of the decisions of the Board**

(1) Every decision of the Board by which the construction of any undertaking is authorized shall expire and remain without any effect or value if a proper application for a permit for the work is not made within a period of 180 days after the date of such decisions.

(2) Such decision shall likewise lose its effect and value, together with the permit issued for the work in question, if the work is not commenced within a period of 120 days after the date on which the permit was issued.

(3) Such decision and permit will also lose its effect and value if the construction is not completed within 360 days after it was commenced unless an extension of time has been requested of and granted by the Commissioner.

## History

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—Amended Apr. 1, 1964, No. 1142, Sess. L. 1964, p. 95; June 24, 1987, No. 5265, § 303(a), Sess. L. 1987, p. 42.

Annotations

## Notes

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### HISTORY

#### Revision note

—1982.

Substituted “Board of Land Use Appeals” for “Board of Zoning, Subdivision and Building Appeals” in the catchline, in the introductory paragraph of subsection (a), and in subdivision (b)(1) in light of Act December 9, 1982, No. 4774, § 6, Sess. L. 1982, p. 278. See also [3 V.I.C. § 125](#).

#### Amendments

—1987.

Substituted “Commissioner of Planning and Natural Resources” for “Commissioner of Public Works” in subsections (a) and (b)(1).

## ANNOTATIONS

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### 1. Time limitations.

[V.I. Code Ann. tit. 29, § 295\(a\)](#)'s receipt requirement means that an appellant receives “the order or ruling complained of” when he is chargeable with actual or constructive notice of that order or ruling. Thus, an appeal was untimely when it was taken more than 30 days after appellant had actual notice that the applicant had been granted a building permit. [One St. Peter, LLC v. Bd. of Land Use Appeals, 67 V.I. 920, 2017 V.I. Supreme LEXIS 56 \(VI. 2017\)](#).

**Cited.**

Cited in [Biggs v. Virgin Islands Bd. of Land Use Appeals, 884 F.2d 108, 1989 U.S. App. LEXIS 13396 \(3d Cir. 1989\)](#).

## **Research References & Practice Aids**

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**Hierarchy Notes:**

[29 V.I.C.](#)

[29 V.I.C. Ch. 5](#)

[29 V.I.C. Ch. 5, Subch. II](#)

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## 29 V.I.C. § 296

Statutes current through Act 8813 of the 2023 session of the 35th Legislature, including all code changes through March 28, 2024

*Virgin Islands Code Annotated* > **TITLE TWENTY-NINE Public Planning and Development (Chs. 1 — 24)** > **Chapter 5. Building Code (§§ 291 — 312)** > **Subchapter II. Permits, Appeals, and Fees (§§ 294 — 296)**

### **§ 296. Fees and fines for building permits**

---

- (a) The Commissioner shall establish and maintain a schedule for commercial and residential, fees for permits, surveys, licenses for surveyors, and the location of bound posts shall be as specified in the rules and regulations referred to in section 312 of this title. No changes in such fees shall be made by the Commissioner without the approval of the Governor and the Legislature.
- (b) Fees are payable at the Department of Planning and Natural Resources as follows:
- (1) A nonrefundable deposit of \$40/commercial and \$20/residential at the time of filing the application for all permits.
  - (2) Balance on the approval of the plans and the issuance of a permit.
  - (3) Fees are not refundable if construction is not started or completed, or if the permit is unclaimed, or is revoked for cause by the Commissioner.
- (c) Three percent of all fees collected for permitting under this section must be deposited into the Department's Reclamation Fund to be used exclusively to maintain and upgrade the electronic permitting system.
- (d) Any person who fails to secure a permit or certificate under this chapter or regulation, fails to pay the permit or certificate fee, or violates any provision of any permit or certificate issued under this chapter or regulation shall be subject to a civil penalty of \$1500 per day per violation.
- (e) Civil penalties charged pursuant to subsection (g) of this section may be assessed administratively by the Commissioner of Planning and Natural Resources if the person charged has been given an opportunity to have a hearing, and findings of fact and conclusions of law are made before the civil penalties are imposed.
- (f) The fees prescribed in this section do not apply to permits for construction or demolition of public housing under the jurisdiction of the Virgin Islands Housing Authority or Virgin Islands Housing Finance Authority or any successor agency where only territorial funds are used. When work for which a permit is required by the Building Code is started or commenced prior to obtaining the permit, the fines shall be four times the amount of the building fee permit, plus an investigative fee of twice the amount, but the payment of the fines shall not relieve any person from fully complying with the requirements of the Code in the execution of the work nor from any other penalties prescribed in the Code.

### **History**

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—Added Apr. 1, 1964, No. 1142, Sess. L. 1964, p. 95; amended June 24, 1987, No. 5265, § 303(a), Sess. L. 1987, p. 42; June 17, 1993, [No. 5866, § 3, Sess. L. 1993](#), p. 100; Oct. 31, 1998, [No. 6269, § 7\(a\), Sess. L. 1998](#), p. 446; May 2, 2001, [No. 6403, § 2, Sess. L. 2001](#), p. 21; Aug. 7, 2001, [No. 6425, § 3, Sess. L. 2001](#), p. 137; Nov. 23, 2004, No. 6697, §§ 1(d)–(m), Sess. L. 2004, pp. 231–232; Apr. 1, 2008, [No. 6973, § 17, Sess. L. 2007](#), p. 190; Oct.

## § 296. Fees and fines for building permits

7, 2011, No. 7299, § 4(a)(1)–(3), Sess. L. 2011, p. 177; amended May 19, 2021, [No. 8444, § 3\(a\)\(1\), \(2\), \(b\), \(c\), \(d\), Sess. L. 2021](#), p. 8; amended Apr. 11, 2024, [No. 8818, § 5\(a\)-\(c\), Sess. L. 2024](#), p. —.

Annotations

## Notes

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### HISTORY

#### Revision notes.

In subsection (h), substituted “subsection (g) of this section” for “subsection (g)” to conform reference to V.I.C. style pursuant to section 14 of Title 1.

#### Editor's note.

Act 7299, § 4(a)(2) proposed to insert “regulation, order issued under this chapter” before “permit”. However, implementation of this amendment is delayed until the legislative intent is clarified.

#### Amendments

##### —2021.

Act 8444, § 3(a)(1), substituted “at 0.5% of the total cost of construction. All residential fees are inclusive of plan review and inspections for all required trades.” for “using the revised CABO fee schedule in accordance with IRC 2003, section R1082” in subsection (b)(4).

Act 8444, § 3(a)(2), substituted “at 1% of the total cost of construction. All commercial fees are inclusive of plan review and inspections for all required trades.” for “using the revised UBC fee schedule in accordance with IBC 2003, section 1082” in subsection (b)(5).

Act 8444, § 3(b), deleted subsection (c).

Act 8444, § 3(c), substituted “0.5% of the total cost of construction for residential cost of construction for commercial properties.” for “\$50/residential and \$100/commercial or two cents per square foot for residential properties and five cents per square foot for commercial properties, whichever is greater.” in subsection (d).

Act 8444, § 3(d), added subsection (g) and redesignated former subsections (g) through (i) as present subsections (h) through (j).

##### —2011.

Act 7299, § 4(a)(1), inserted “or regulation” following “chapter” in subsection (g).

Act 7299, § 4(a)(3), substituted “\$1500” for “\$500” in subsection (g).

##### —2007.

Act 6973, § 17, substituted “Virgin Islands Housing Authority or Virgin Islands Housing Finance Authority” for “Virgin Islands Housing Authority, Virgin Islands Housing Finance Authority or the Department of Housing, Parks and Recreation” in subsection (i).

##### —2004.

## § 296. Fees and fines for building permits

Act 6697, § 1, substituted “Fees and fines for building permits” for “Fees for building permits” in the section catchline; substituted “A nonrefundable deposit of \$40/commercial and \$20/residential at the time of filing the application for all permits” for “A nonrefundable deposit of \$2 at the time of filing the application for a permit” in (b)(1); added subsections (b)(4) and (b)(5); in subsection (c), substituted “\$30/residential and \$60/commercial” for “\$25.00” and substituted “\$10/residential and \$20/commercial” for “\$5.00”; substituted “\$50/residential and \$100/commercial or two cents per square foot for residential properties and five cents per square foot for commercial properties, whichever is greater. If, however, the demolition if the structure is included as part of the permitted construction phase, then the fee shall be calculated per square-footage cost and added to the building permit fee” for “\$35.00” in subsection (d); substituted “\$50 for residential premises and \$100 for commercial premises” for “\$35.00” in subsection (e); substituted “\$50” for “\$35.00” in subsection (f); substituted “\$500” for “\$200” in subsection (g); and added the present second sentence in subsection (i).

**—2001.**

Act 6403, added subsection (i).

Act 6425 inserted “Virgin Islands Housing Finance Authority” after “Authority” in subsection (i).

**—1998.**

Subsections (d)–(h): Added.

**—1993.**

Subsection (a): Added “except as provided in subsection (c) of this section” at the beginning of the first sentence.

Subsection (c): Added.

**—1987.**

Subsection (b): Substituted “Department of Planning and Natural Resources” for “Department of Public Works” in the introductory paragraph.

## **ANNOTATIONS**

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### **1. Prior law.**

Failure of the owners of the Virgin Isle Hotel to secure a building permit for the building of the hotel and to pay the permit fees was a violation of the mandatory provisions of Act of Legislative Assembly, Bill No. 6, section 5. 3 V.I. Op. Att’y Gen. 269.

Where the owners of the Virgin Isle Hotel failed to secure a building permit and pay permit fee, the Commissioner of Public Works should determine the fee, based on the cost of the hotel, issue a delayed permit and forward it to the Commissioner of Finance for delivery and demand of payment. 3 V.I. Op. Att’y Gen. 269.

Where hotel was built without a building permit or payment of fee therefore in violation of Act of Legislative Assembly, Bill No. 6, section 5, the fee would be doubled under section 3 of the Rules and Regulations promulgated pursuant to Bill No. 6 without relieving the defaulters from any other penalties or defaulters from any other penalties or building requirements. 3 V.I. Op. Att’y Gen. 269.

## **Research References & Practice Aids**

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§ 296. Fees and fines for building permits

**Hierarchy Notes:**

[29 V.I.C.](#)

[29 V.I.C. Ch. 5](#)

[29 V.I.C. Ch. 5, Subch. II](#)

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## 29 V.I.C. § 297

Statutes current through Act 8813 of the 2023 session of the 35th Legislature, including all code changes through March 28, 2024

*Virgin Islands Code Annotated > TITLE TWENTY-NINE Public Planning and Development (Chs. 1 — 24) > Chapter 5. Building Code (§§ 291 — 312) > Subchapter III. Inspections (§ 297)*

### § 297. Inspection by Commissioner; correction of violations

- (a) The Commissioner or his authorized representatives may for the purpose of performing their official duties under this chapter enter and inspect any building or structure or any part thereof, including plumbing and wiring for light or power, any enclosure, or any premises at all reasonable hours; but no forcible entry shall be attempted or made without due process of law.
- (b) All violations of this chapter or of any rules and regulations referred to in section 312 of this title shall be remedied by the owner or his agent before a Use and Occupancy Certificate is issued.
- (c) The Commissioner shall make, when deemed necessary by him, an inspection of materials at the point of manufacture or fabrication. If deemed convenient and necessary by him, he may require tests of the quality of the materials.
- (d) The Commissioner, or inspectors appointed by him, shall have free access to any construction undertaken in the Virgin Islands. Upon notice that work is being done in an illegal or faulty manner, or contrary to the terms of the application, or of the permit issued, the Commissioner shall order the immediate stoppage of the corresponding part of the construction until the illegal or faulty condition is corrected.
- (e) Upon the start of construction for which a permit has been issued, the owner or his authorized agent is obliged to so notify the Commissioner so that the Commissioner may schedule the inspections that may be deemed necessary for the effective enforcement of the provisions of this chapter. In addition, the owner or his authorized agent shall notify the Commissioner when various parts of the work are ready for inspection.
- (f) Any building or other structure or part thereof deemed by the Commissioner to be in a dangerous or unsafe condition from any cause whatsoever, including partial destruction by fire or natural disaster, shall be made safe and secure or shall be vacated and closed or shall be taken down by the owner or his agent as the Commissioner may direct on service of a written notice by the Commissioner as set forth in such notice and within the period named therein. Such order shall not be arbitrary and shall state the specific danger involved. If considered necessary in order to protect life and property, the Commissioner may require that any building be vacated at once and temporarily close the sidewalks and streets adjacent thereto.
- (g) Whoever, having been ordered by the Commissioner or, upon the Commissioner's instructions, by a police officer, under the authority of this title, to vacate a building, refuses to do so, shall be fined not more than \$200 or imprisoned for not more than one year, or both.
- (h) Paragraphs (f) and (g) of this section shall not be construed as relieving the owner of the property referred to in such paragraphs, or his agent, from liability because of accident or loss occurring after service by the Commissioner of the notice referred to in paragraph (f).
- (i) If the owner of a building or other structure shall fail to comply within the stated time with a written notice issued by the Commissioner pursuant to subsection (f) directing that the building or structure shall be taken down, the Commissioner may cause the building or other structure to be demolished and removed by the Government of the Virgin Islands. In such event, the Commissioner shall by certified mail, return receipt requested, demand that the owner pay within sixty days the reasonable costs of demolition and removal. If

## § 297. Inspection by Commissioner; correction of violations

the costs assessed by the Commissioner are not paid within the sixty-day period, the amount due shall be a lien in favor of the Government of the Virgin Islands upon the real property on which the building or other structure was located, and the amount due may be collected by seizure and sale of the property.

(j) The Commissioner shall maintain accurate records of inspections made, of notices issued, and of actions taken by builders and owners pursuant to notices resulting from inspections. A separate record shall be maintained of all demolitions classified by former use and occupancy.

## History

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—Added Apr. 1, 1964, No. 1142, Sess. L. 1964, p. 95; amended Dec. 30, 1976, No. 3926, § 2, Sess. L. 1976, p. 256.

Annotations

## Notes

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### HISTORY

#### Amendments

—1976.

Subsection (i): Former subsection (i) redesignated as subsection (j) and new subsection (i) added.

Subsection (j): Redesignated from former subsection (i).

## ANNOTATIONS

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### Cited.

Cited in [Swanston v. Government of the Virgin Islands, 17 V.I. 158, 1980 V.I. LEXIS 80 \(Terr. Ct. St. C. 1980\)](#).

## Research References & Practice Aids

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### Hierarchy Notes:

[29 V.I.C.](#)

[29 V.I.C. Ch. 5](#)

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## [29 V.I.C. § 298](#)

Statutes current through Act 8813 of the 2023 session of the 35th Legislature, including all code changes through March 28, 2024

*Virgin Islands Code Annotated* > *TITLE TWENTY-NINE Public Planning and Development (Chs. 1 — 24)* > *Chapter 5. Building Code (§§ 291 — 312)* > *Subchapter IV. Supervision (§ 298)*

### **§ 298. Supervision and certification**

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(a) The construction of every new building shall be made under the supervision of an engineer, architect or contractor duly authorized to practice his profession in the Virgin Islands, provided, however, that such supervision is optional on the part of the owner of the building in the following cases:

- (1) Wood frame building.
- (2) Dwellings of less than three stories.
- (3) Business buildings of less than two stories except factories.
- (4) Stores and public buildings of less than two stories in height and having a capacity of less than 100 persons.
- (5) Government buildings where generally continuous inspection during construction is performed by Government Personnel.

(b) Upon completion of the work, the engineer, architect or contractor under whose supervision it was undertaken, shall submit to the Commissioner a certificate stating that such work was done under his supervision and that in its construction all the provisions of the Building Code and of the building permit issued for that work were complied with.

(c) The above mentioned certificate and copies of the record of the supervision shall be a requisite for the issuance of the Certificate of Use and Occupancy for such building or structure.

### **History**

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—Added Apr. 1, 1964, No. 1142, Sess. L. 1964, p. 95.

Annotations

### **Research References & Practice Aids**

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#### **Hierarchy Notes:**

[29 V.I.C.](#)

[29 V.I.C. Ch. 5](#)

§ 298. Supervision and certification

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End of Document

## [29 V.I.C. § 301](#)

Statutes current through Act 8813 of the 2023 session of the 35th Legislature, including all code changes through March 28, 2024

***Virgin Islands Code Annotated > TITLE TWENTY-NINE Public Planning and Development (Chs. 1 — 24) > Chapter 5. Building Code (§§ 291 — 312) > Subchapter V. Standards for Buildings Designed or Converted for Residential Occupancy (§ 301)***

### **§ 301. Residential design and facilities requirements**

---

After May 1, 1964, no permit for the building or use of any structure for residential occupancy shall be issued unless the structure to be constructed, reconstructed, enlarged, altered, or converted conforms in its design and facilities to the applicable requirements of the Building code and following requirements:

#### **(a) Minimum requirements for health and sanitation**

- (1)** Each dwelling unit shall contain a plumbing system connected to a potable water supply and to an adequate and safe water carriage system connected to a public sewer or other approved sewerage disposal system, except that water closets may be salt-water flushed.
- (2)** Each dwelling unit shall contain at least a kitchen sink, lavatory, water closet, and a tub or shower. These required plumbing fixtures shall be located within the dwelling unit and be accessible to all occupants of the dwelling unit. The water closet and tub or shower shall be designed and located so as to afford privacy to the user.
- (3)** Each rooming house shall contain at least one lavatory, one water closet, and one tub or shower for each five (5) rooms or ten (10) occupants of the rooming house. These required plumbing fixtures shall be located within the rooming house and shall be accessible to the occupants of the rooming unit without requiring passage through a rooming unit or requiring passage outside the building, and shall be so designed and located as to afford privacy to the user.
- (4)** All fixtures, piping, and sewerage system and the installations thereof shall meet the requirements of this chapter, and/or Chapters 53 and 55 of Title 19 and the Rules and Regulations issued pursuant to the authority granted in Titles 19 and 29.
- (5)** Every foundation wall, exterior wall, and roof shall be so designed and constructed as to be weathertight, and capable of supporting required design loads.
- (6)** Every floor, interior wall, and ceiling shall be so designed as to be capable of supporting required design loads.

#### **(b) Minimum requirements for light and ventilation**

- (1)** Every dwelling unit and rooming unit shall be wired for electric lights and convenience outlets with service connected thereto. There shall be installed at least one circuit for each 500 square feet of floor area and with a minimum of two circuits per dwelling unit and one per rooming unit. Light fixtures shall be installed in all rooms except that switch operated convenience outlets may be submitted in bedrooms and living rooms. Every public hall and stairway in multiple dwelling units and rooming houses shall be adequately lighted at all times.
- (2)** Two duplex convenience outlets shall be installed in every habitable room except that only one shall be required in dining rooms and a total of three shall be required in each room where a switch-operated outlet is installed in lieu of a light fixture.

## § 301. Residential design and facilities requirements

(3) All fixtures, receptacles, equipment, and wiring shall be installed in accordance with the applicable rules and regulations authorized by this chapter.

(4) Wherever structurally possible, each habitable room shall have at least one window or skylight facing directly on the outdoors. The minimum total window or skylight area in each such room shall be fifteen (15) percent of the floor area of the room. Where a light-obstructing wall or other structure faces a window of any such room and is located within five (5) feet of the window and extends to a level above the ceiling of the rooms, such a window shall not be included as contributing to the required window area.

(5) Every habitable room shall have at least one window or skylight which can be easily opened or such other devices as will adequately ventilate the room. The total openable window or skylight area shall equal at least eight (8) percent of the floor area of the room. If mechanical ventilation is provided, the system shall provide at least one cubic foot of fresh air per minute per square foot of floor area.

(6) Every bathroom and water closet compartment shall comply with the light and ventilation requirements for habitable rooms except that the total minimum window or skylight area in each such room shall be not less than ten (10) percent of the floor area of the room, and except that artificial light and mechanical ventilation may be substituted for windows or skylight. Mechanical ventilation shall be such as to provide a twenty-four (24) cubic feet per minute air change and such system shall be wired to operate in parallel with the light switch.

**(c) Minimum requirements for dwelling size and room size**

(1) Every dwelling unit shall have at least 150 square feet of habitable floor area (not including kitchens, kitchenettes, bathrooms, water closet compartments, halls, or foyers). If the plans indicate that the dwelling unit is to be occupied by more than one person, then the space requirements set forth in section 333(d) of this title will be controlling.

(2) Every habitable room, other than bedrooms, shall have at least 75 square feet of habitable floor area.

(3) The minimum floor area requirements, exclusive of closets, for bedrooms shall be 100 square feet for the first bedroom, and 75 square feet for each additional bedroom.

(4) Each bathroom shall be of adequate size for water closet, lavatory, and tub or shower. Arrangement of fixtures shall provide for comfortable use of each fixture and permit at least 90 degrees of floor swing. Where a water closet compartment is provided, the size of the bathroom can be reduced accordingly.

(5) All habitable rooms, including bedrooms, shall have a minimum clear ceiling height of eight feet.

(6) Measurements shall be based upon distances between finish floor surface and rough ceiling surface and between rough wall or rough partition surfaces.

**(d) Jalousie Style Windows and Openings**

(1) Jalousie style windows shall meet the requirements of the applicable sections of the Building Code for louvered windows or jalousies, specifically but not limited to International Residential Code Section R308.2 and International Building Code Section 2403.5.

(2) Jalousie style windows and openings, including those with glazing and metal style louvers, shall meet the applicable sections of the Building Code for Emergency Escape and Rescue Openings, specifically International Residential Code Section R310 and International Building Code Section 1030.

(3) Jalousie style windows and openings with glazing shall meet the applicable sections of the Building Code for windborne debris protection and protection of openings, specifically International Residential Code Section R609.6 and International Building Code Section 1609.2.

(e) The requirements of this subchapter shall not apply to owner occupied dwellings located in rural areas having a floor area of less than 600 square feet. Rural areas are defined in Section 293 of this chapter.

## History

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—Added Apr. 1, 1964, No. 1142, Sess. L. 1964, p. 95; amended Apr. 11, 2024, [No. 8818, § 6\(a\)-\(c\), Sess. L. 2024](#), p. —.

Annotations

## Notes

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### HISTORY

#### Revision note

—1964.

Substituted “May 1, 1964,” for “the effective date of this chapter” in the introductory paragraph of this section in light of § 312(h) of this title and for purposes of clarity pursuant to [1 V.I.C. § 14](#).

#### Codification.

Section was enacted without a catchline, which was supplied by the editor.

## Research References & Practice Aids

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### Hierarchy Notes:

[29 V.I.C.](#)

[29 V.I.C. Ch. 5](#)

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## [29 V.I.C. Ch. 5, Subch. VI](#)

Statutes current through Act 8813 of the 2023 session of the 35th Legislature, including all code changes through March 28, 2024

*Virgin Islands Code Annotated* > *TITLE TWENTY-NINE Public Planning and Development (Chs. 1 — 24)* > *Chapter 5. Building Code (§§ 291 — 312)* > *Subchapter VI. Excavations (§ 302)*

### Subchapter VI. Excavations

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Annotations

### Notes

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#### HISTORY

##### **Codification.**

This chapter, as amended and reenacted by Act April 1, 1964, No. 1142, Sess. L. 1964, p. 95, contained no subchapter VI. Subchapters VII to XII were redesignated VI to XI by the editor.

### Research References & Practice Aids

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#### **Hierarchy Notes:**

[29 V.I.C.](#)

[29 V.I.C. Ch. 5](#)

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## [29 V.I.C. § 302](#)

Statutes current through Act 8813 of the 2023 session of the 35th Legislature, including all code changes through March 28, 2024

*Virgin Islands Code Annotated* > *TITLE TWENTY-NINE Public Planning and Development (Chs. 1 — 24)* > *Chapter 5. Building Code (§§ 291 — 312)* > *Subchapter VI. Excavations (§ 302)*

### **§ 302. Excavations affecting adjoining properties**

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When an excavation is to be made to any depth whatsoever, the architect, engineer, contractor or other person causing the excavation to be made shall make sure that all the necessary precautions are taken to protect the adjoining property against any damage and shall, when necessary, provide adequate shoring and/or underpinning.

The backfill shall be properly compacted in order to prevent lateral displacements of the soil of the adjoining properties after the removal of the shoring or other protections used during the performance of the excavation work.

### **History**

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—Added Apr. 1, 1964, No. 1142, Sess. L. 1964, p. 95.

Annotations

### **Research References & Practice Aids**

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#### **Hierarchy Notes:**

[29 V.I.C.](#)

[29 V.I.C. Ch. 5](#)

[29 V.I.C. Ch. 5, Subch. VI](#)

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## [29 V.I.C. Ch. 5, Subch. VII](#)

Statutes current through Act 8813 of the 2023 session of the 35th Legislature, including all code changes through March 28, 2024

*Virgin Islands Code Annotated* > *TITLE TWENTY-NINE Public Planning and Development (Chs. 1 — 24)* > *Chapter 5. Building Code (§§ 291 — 312)* > *Subchapter VII. Foundations (§ 303)*

### **Subchapter VII. Foundations**

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Annotations

### **Notes**

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#### **HISTORY**

##### **Codification.**

This chapter, as amended and reenacted by Act Apr. 1, 1964, No. 1142, Sess. L. 1964, p. 95, contained no subchapter VI. Subchapters VII to XII were redesignated VI to XI by the editor.

### **Research References & Practice Aids**

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#### **Hierarchy Notes:**

[29 V.I.C.](#)

[29 V.I.C. Ch. 5](#)

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## [29 V.I.C. § 303](#)

Statutes current through Act 8813 of the 2023 session of the 35th Legislature, including all code changes through March 28, 2024

*Virgin Islands Code Annotated > TITLE TWENTY-NINE Public Planning and Development (Chs. 1 — 24) > Chapter 5. Building Code (§§ 291 — 312) > Subchapter VII. Foundations (§ 303)*

### **§ 303. Foundation standards**

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**(a) General requirements.** Foundation walls or other permanent supports shall rest on solid ground or on piles when solid earth or rock is not found. Such foundation walls shall not be required in one-story buildings if the floor area does not exceed 750 square feet and the buildings are of wood frame construction. Wood foundation shall be designed in accordance with accepted engineering practice.

Footings shall consist of masonry or reinforced concrete.

Where metal is incorporated in or forms part of a foundation, except reinforcements in concrete, it shall be protected from rust by paint, asphalt, or concrete.

**(b) Bearing capacity of soil.** Whenever the Department of Planning and Natural Resources, upon inspection of the site deems it necessary to establish the assumed bearing capacity of the soil, applications for building permits for the construction of a permanent structure or for the alteration of a permanent structure involving an increase in load on the foundation shall be accompanied by a statement from the designer as to the type of soil on which the foundation will rest and the assumed bearing capacity of this soil.

**(c) Soil bearing values.** Footings shall be designed so that the maximum allowable pressure on the supporting soil shall not exceed the values as set forth in the following table:

#### ***Soil Bearing Values***

## § 303. Foundation standards

<b><i>Type of Soil</i></b>	<b><i>Tons per Square Foot</i></b>
Clay, soft	1.0
Clay, medium soft	2.0
Sand, fine loose (if confined)	1.0
Sand, coarse, loose; compact fine sand; loose sand and gravel mixture	2.0
Gravel, loose; compact coarse sand	3.0
Sand-gravel mixture, compact	6.0
Hardpan and exceptionally compacted or partially cemented gravel	10.0
Sedimentary rocks such as shales, sandstone	15.0
Foliated rocks, bedded limestone schist or slate	40.0
Massive bedded rocks, granite	100.0

## § 303. Foundation standards

**(d) Variation in the types of soil.** Where footings are supported by soils of widely different bearing capacity, the allowable bearing value of the more yielding soil shall be reduced or special provisions made in the design to prevent serious differential settlements.

**(e) Footing design.** Footings shall be so designed that the pressure on the soil per unit of area shall be so far as possible uniform under all parts of the building or structure.

The area of footings shall be in proportion to the full dead loads, including the weight of the footings. In no case shall the dead loads plus the live loads cause a pressure under the footing exceeding the permissible soil bearing capacity.

**(f) Foundation walls.** Foundation walls shall be of adequate strength and thickness to resist lateral pressures from adjacent earth and to support their vertical loads, but the thickness shall not be less than the actual thickness of walls supported by them.

## History

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—Added Apr. 1, 1964, No. 1142, Sess. L. 1964, p. 95; amended June 24, 1987, No. 5265, § 303(a), Sess. L. 1987, p. 42; amended Apr. 11, 2024, [No. 8818, § 7, Sess. L. 2024](#), p. —.

Annotations

## Notes

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### HISTORY

#### Amendments

—1987.

Subsection (b): Substituted “Department of Planning and Natural Resources” for “Public Works Department” preceding “upon inspection.”

## ANNOTATIONS

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### 1.Presumptions.

### 2.Evidence.

#### 1. Presumptions.

In action for breach of a construction contract by builder whose walls developed large cracks, in the absence of allegation or evidence that house plans were defective, court must and would assume that they were not and were drawn with the terrain upon which the house would be built in mind. [Raimer v. Stout, 14 V.I. 568, 1978 V.I. LEXIS 21 \(V.I. Terr. Ct. 1978\)](#).

#### 2. Evidence.

## § 303. Foundation standards

Builder's statement that he built house on "medium" as opposed to "hard" soil did not make him liable for cracks which developed in walls because house was not constructed on undisturbed soil or solid ground, for there was no evidence equating hard soil and undisturbed or solid ground. [Raimer v. Stout, 14 V.I. 568, 1978 V.I. LEXIS 21 \(V.I. Terr. Ct. 1978\)](#).

Where builder was obligated to construct solid foundation resting on firm ground and sufficient to support the house, and rain and runoff water undermined the foundation and cracks developed in the walls and the floors and ceilings became uneven, builder's liability to owner of house was unequivocally established by his admission that he knew several months prior to completion of house that ordinary rainfall and runoff it produced would destroy the foundation. [Raimer v. Stout, 14 V.I. 568, 1978 V.I. LEXIS 21 \(V.I. Terr. Ct. 1978\)](#).

## Research References & Practice Aids

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### Hierarchy Notes:

[29 V.I.C.](#)

[29 V.I.C. Ch. 5](#)

[29 V.I.C. Ch. 5, Subch. VII](#)

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## [29 V.I.C. Ch. 5, Subch. VIII](#)

Statutes current through Act 8813 of the 2023 session of the 35th Legislature, including all code changes through March 28, 2024

*Virgin Islands Code Annotated* > *TITLE TWENTY-NINE Public Planning and Development (Chs. 1 — 24)* > *Chapter 5. Building Code (§§ 291 — 312)* > *Subchapter VIII. Water Supply (§§ 308 — 309)*

### **Subchapter VIII. Water Supply**

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Annotations

### **Notes**

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#### **HISTORY**

##### **Codification.**

This chapter, as amended and reenacted by Act Apr. 1, 1964, No. 1142, Sess. L. 1964, p. 95, contained no subchapter VI. Subchapters VII to XII were redesignated VI to XI by the editor.

### **Research References & Practice Aids**

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#### **Hierarchy Notes:**

[29 V.I.C.](#)

[29 V.I.C. Ch. 5](#)

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## 29 V.I.C. § 308

Statutes current through Act 8813 of the 2023 session of the 35th Legislature, including all code changes through March 28, 2024

*Virgin Islands Code Annotated > TITLE TWENTY-NINE Public Planning and Development (Chs. 1 — 24) > Chapter 5. Building Code (§§ 291 — 312) > Subchapter VIII. Water Supply (§§ 308 — 309)*

### Notice

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 This section has more than one version with varying effective dates.

### § 308. Water supply, cisterns, gutters, downspouts, wells

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**(a) General.** After May 1, 1964, no building; except commercial developments dwellings and single unit apartments with connected access to the potable water system, shall be constructed, enlarged, or moved unless the owner thereof shall make provision for a self-sustaining water supply system. This system shall consist of a well or rainwater collection area and cistern.

**(b) Cistern capacity.**

**(1)** Cisterns for dwellings, apartments and hotels shall have a minimum usable capacity of 10 gallons for each square foot of roof area for buildings of one story and 15 gallons for each square foot of roof area for buildings of two or more stories. If a dwelling shall have access to the potable water system and is verified by appropriate WAPA officials and service is installed, no cistern will be required.

**(2)** All other buildings shall have cisterns with a minimum usable capacity of 4 ½ gallons for each square foot of roof area except that churches and warehouses shall not be required to conform to this standard. If at any time buildings formerly used for churches and warehouses are converted to other uses compliance shall be required.

**(3)** Where a building has combined occupancy, such as apartment and store, required cistern capacity shall be 10 gallons for each square foot of roof area.

**(4)** One cistern may serve several buildings provided that its capacity is at least equal to the sum of the minimum required capacities for each building according to its use.

**(c) Cisterns—Specifications.**

**(1)** Cisterns shall be constructed of metal, masonry, concrete or other materials approved by the Commissioner and be maintained in a watertight and mosquito and rodent proof condition at all times. Metal cisterns shall be placed above ground level unless approved for underground installation in the building permit.

**(2)** Cisterns shall be located at a point free from flooding.

**(3)** An overflow of cross-section area at least equal to the combined cross-section areas of all inlets shall be provided on each cistern.

## § 308. Water supply, cisterns, gutters, downspouts, wells

**(d) Gutters and downspouts.** Adequate gutters and downspouts shall be installed on all buildings for conducting water into cisterns. Gutters and downspouts shall be kept in good repair and free of dirt and debris at all times.

**(e) Wells.** A well supplying a safe, palatable, continuously adequate water supply may be used in lieu of a cistern. Such a well shall be dug and its compliance with the above requirements demonstrated to the Commissioner before a permit may be issued for the construction of a building without a cistern. The Department of Health shall certify as to the safety of the water for drinking purposes.

If at any time after approval, the well shall no longer furnish a safe, palatable, and continuously adequate water supply, the owner of the building shall build a cistern of capacity as elsewhere specified in this chapter.

## History

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—Added Apr. 1, 1964, No. 1142, Sess. L. 1964, p. 95; amended Feb. 21, 1996, [No. 6092, § 30, Sess. L. 1996](#), p. 8; July 18, 1996, [No. 6115, §§ 10\(a\), 10\(b\), Sess. L. 1996](#), p. 84; Oct. 11, 2008, [No. 7028, § 5, Sess. L. 2008](#), p. 375.

Annotations

## Notes

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### HISTORY

#### Revision note

—1964.

Substituted “May 1, 1964,” for “the effective date of this chapter” in subsection (a) in light of § 312(h) of this title and for purposes of clarity pursuant to [14 V.I.C. § 1](#).

#### Amendments

—2008.

Act 7028, § 5, inserted “commercial developments” following “except” in subsection (a).

—1996.

Subsection (a): Act No. 6115 inserted “except dwellings and single unit apartments with connected access to the potable water system,” following “building” in the first sentence.

Subsection (b)(1): Act No. 6115 rewrote the second sentence and deleted the third and fourth sentences.

Subsection (b)(1): Act No. 6092 added the second through fourth sentences.

## Research References & Practice Aids

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### Hierarchy Notes:

[29 V.I.C.](#)

§ 308. Water supply, cisterns, gutters, downspouts, wells

[29 V.I.C. Ch. 5](#)

[29 V.I.C. Ch. 5, Subch. VIII](#)

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## 29 V.I.C. § 308

Statutes current through Act 8813 of the 2023 session of the 35th Legislature, including all code changes through March 28, 2024

*Virgin Islands Code Annotated > TITLE TWENTY-NINE Public Planning and Development (Chs. 1 — 24) > Chapter 5. Building Code (§§ 291 — 312) > Subchapter VIII. Water Supply (§§ 308 — 309)*

### Notice

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 This section has more than one version with varying effective dates.

### § 308. Water supply, cisterns, gutters, downspouts, wells

---

**(a) General.** After May 1, 1964, no building; except such systems shall not be required for commercial developments, dwellings, and single unit apartments with connected access to the potable water system. This system shall consist of a well or rainwater collection area and cistern.

**(b) Cistern capacity.**

**(1)** Cisterns for dwellings, apartments and hotels shall have a minimum usable capacity of 10 gallons for each square foot of roof area for buildings of one story and 15 gallons for each square foot of roof area for buildings of two or more stories. If a dwelling shall have access to the potable water system and is verified by appropriate WAPA officials and service is installed, no cistern will be required.

**(2)** All other buildings shall have cisterns with a minimum usable capacity of 4 ½ gallons for each square foot of roof area except that churches and warehouses shall not be required to conform to this standard. If at any time buildings formerly used for churches and warehouses are converted to other uses compliance shall be required.

**(3)** Where a building has combined occupancy, such as apartment and store, required cistern capacity shall be 10 gallons for each square foot of roof area.

**(4)** One cistern may serve several buildings provided that its capacity is at least equal to the sum of the minimum required capacities for each building according to its use and provided the cistern is not used for a fire sprinkler system.

**(5)** Where fire sprinklers are provided, the cistern shall meet the requirements for water supply provided in Chapter 6, NFPA 13D Standard for the Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes.

**(c) Cisterns—Specifications.**

**(1)** Cisterns shall be constructed of metal, masonry, concrete or other materials approved by the Commissioner and be maintained in a watertight and mosquito and rodent proof condition at all times. Metal cisterns shall be placed above ground level unless approved for underground installation in the building permit.

**(2)** Cisterns shall be located at a point free from flooding.

## § 308. Water supply, cisterns, gutters, downspouts, wells

(3) An overflow of cross-section area at least equal to the combined cross-section areas of all inlets shall be provided on each cistern.

(4) Cisterns used for potable water shall meet the following individual water supply requirements for water quality, disinfection of system, and pumps.

(i) Water from an individual water supply shall be approved by the Commissioner prior to connection to the plumbing system.

(ii) After construction, the new potable water supply system shall be purged of deleterious matter and disinfected prior to utilization. The method to be followed shall be that prescribed by the health authority or water purveyor having jurisdiction or, in the absence of a prescribed method, the procedure described in either AWWA C651 or AWWA C652, or as described in this section. This requirement shall apply to "on-site" or "in-plant" fabrication of a system or to a modular portion of a system.

(1) The pipe system shall be flushed with clean, potable water until dirty water does not appear at the points of outlet.

(2) The system or part thereof shall be filled with a water/chlorine solution containing not less than 50 parts per million (50 mg/L) of chlorine, and the system or part thereof shall be valved off and allowed to stand for 24 hours; or the system or part thereof shall be filled with a water/chlorine solution containing not less than 200 parts per million (200 mg/L) of chlorine and allowed to stand for 3 hours.

(3) Following the required standing time, the system shall be flushed with clean potable water until the chlorine is purged from the system.

(4) The procedure shall be repeated where shown by a bacteriological examination that contamination remains present in the system.

(iii) Pumps shall be rated for the transport of potable water. Pumps in an individual water supply system shall be constructed and installed so as to prevent contamination from entering a potable water supply through the pump units. Pumps shall be sealed to the well casing or covered with a water-tight seal. Pumps shall be designed to maintain a prime and installed such that ready access is provided to the pump parts of the entire assembly for repairs. The pump room or enclosure around a well pump shall be drained.

**(d) Gutters and downspouts.** Adequate gutters and downspouts shall be installed on all buildings for conducting water into cisterns. Gutters and downspouts shall be kept in good repair and free of dirt and debris at all times. Gutters and downspouts installed for conducting water into cisterns shall meet all requirements in the applicable codes and standards referenced in this chapter, specifically the capability to resist the wind loads.

**(e) Wells.**

(1) Wells used for potable water shall meet the individual water supply requirements for water quantity, disinfection of system and pumps referred to in Section 308 (c)(4).

(2) Where fire sprinklers are provided, the well shall meet the requirements for water supply provided in Chapter 6, NFPA 13D Standard for the Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes

(3) A well supplying a safe, palatable, continuously adequate water supply may be used in lieu of a cistern. Such a well shall be dug and its compliance with the above requirements demonstrated to the Commissioner before a permit may be issued for the construction of a building without a cistern. The Department of Health shall certify as to the safety of the water for drinking purposes.

(4) One cistern may serve several buildings provided that its capacity is at least equal to the sum of the minimum required capacities for each building according to its use and provided the cistern is not used for a fire sprinkler system.

## § 308. Water supply, cisterns, gutters, downspouts, wells

(5) If at any time after approval, the well shall no longer furnish a safe, palatable, and continuously adequate water supply, the owner of the building shall build a cistern of capacity as elsewhere specified in this chapter.

## History

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—Added Apr. 1, 1964, No. 1142, Sess. L. 1964, p. 95; amended Feb. 21, 1996, [No. 6092, § 30, Sess. L. 1996](#), p. 8; July 18, 1996, [No. 6115, §§ 10\(a\), 10\(b\), Sess. L. 1996](#), p. 84; Oct. 11, 2008, [No. 7028, § 5, Sess. L. 2008](#), p. 375; amended Apr. 11, 2024, [No. 8818, § 8\(a\)-\(e\), Sess. L. 2024](#), p. —.

Annotations

## Notes

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### HISTORY

#### Revision note

—1964.

Substituted “May 1, 1964,” for “the effective date of this chapter” in subsection (a) in light of § 312(h) of this title and for purposes of clarity pursuant to [14 V.I.C. § 1](#).

#### Amendments

—2008.

Act 7028, § 5, inserted “commercial developments” following “except” in subsection (a).

—1996.

Subsection (a): Act No. 6115 inserted “except dwellings and single unit apartments with connected access to the potable water system,” following “building” in the first sentence.

Subsection (b)(1): Act No. 6115 rewrote the second sentence and deleted the third and fourth sentences.

Subsection (b)(1): Act No. 6092 added the second through fourth sentences.

## Research References & Practice Aids

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### Hierarchy Notes:

[29 V.I.C.](#)

[29 V.I.C. Ch. 5](#)

[29 V.I.C. Ch. 5, Subch. VIII](#)

§ 308. Water supply, cisterns, gutters, downspouts, wells

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## 29 V.I.C. § 309

Statutes current through Act 8813 of the 2023 session of the 35th Legislature, including all code changes through March 28, 2024

*Virgin Islands Code Annotated* > **TITLE TWENTY-NINE Public Planning and Development (Chs. 1 — 24)** > **Chapter 5. Building Code (§§ 291 — 312)** > **Subchapter VIII. Water Supply (§§ 308 — 309)**

### **§ 309. Public housing projects; fire prevention**

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Effective July 1, 1973, no public housing project of 30 units or more shall be undertaken in the Virgin Islands unless the plans therefor include plans and specifications for the installation of sufficient waterlines and fire hydrants within such housing project as shall be approved by the Commissioner as sufficient for fire prevention purposes. The water line and fire hydrants shall meet the applicable provisions of the International Fire Code; NFPA 1 Fire Code; and NFPA 14 Standard for the Installation of Standpipe and Hose Systems.

### **History**

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—Added Feb. 8, 1973, No. 3366, Sess. L. 1972, p. 563; amended June 15, 1984, No. 4964, § 1(b), Sess. L. 1984, p. 177; amended Apr. 11, 2024, [No. 8818, § 9, Sess. L. 2024](#), p. —.

Annotations

### **Notes**

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#### **HISTORY**

#### **Amendments**

—1984.

Substituted “Police Commissioner” for “Commissioner of Public Safety” in the second sentence.

#### **Effective date of amendments**

—1984.

Act June 15, 1984, No. 4964, § 1(c), Sess. L. 1984, p. 177 provided that the change of name authorized by subsection (b) of the Act became effective Jan. 1, 1985.

### **Research References & Practice Aids**

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**Hierarchy Notes:**

§ 309. Public housing projects; fire prevention

[29 V.I.C.](#)

[29 V.I.C. Ch. 5](#)

[29 V.I.C. Ch. 5, Subch. VIII](#)

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## [29 V.I.C. Ch. 5, Subch. IX](#)

Statutes current through Act 8813 of the 2023 session of the 35th Legislature, including all code changes through March 28, 2024

*Virgin Islands Code Annotated* > *TITLE TWENTY-NINE Public Planning and Development (Chs. 1 — 24)* > *Chapter 5. Building Code (§§ 291 — 312)* > *Subchapter IX. Existing Buildings (§ 310)*

### **Subchapter IX. Existing Buildings**

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Annotations

### **Notes**

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#### **HISTORY**

##### **Codification.**

This chapter, as amended and reenacted by Act Apr. 1, 1964, No. 1142, Sess. L. 1964, p. 95, contained no subchapter VI. Subchapters VII to XII were redesignated VI to XI by the editor.

### **Research References & Practice Aids**

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#### **Hierarchy Notes:**

[29 V.I.C.](#)

[29 V.I.C. Ch. 5](#)

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## 29 V.I.C. § 310

Statutes current through Act 8813 of the 2023 session of the 35th Legislature, including all code changes through March 28, 2024

*Virgin Islands Code Annotated > TITLE TWENTY-NINE Public Planning and Development (Chs. 1 — 24) > Chapter 5. Building Code (§§ 291 — 312) > Subchapter IX. Existing Buildings (§ 310)*

### **§ 310. Applications to existing buildings**

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**General.** After May 1, 1964, the provisions of this chapter shall not apply to existing buildings, except as follows:

- (1) If changes or alterations, costing in excess of 50 percent of the then value of the building, are made to an existing building, as determined by the Commissioner, such building shall be made to conform to the requirements of this chapter for new construction.
- (2) If the damages to an existing building, by fire or other causes, exceed 50 percent of its then value as determined by the Commissioner, in repairing such damages it shall be made to conform in its entirety to the requirements of this chapter for new construction.
- (3) If the cost of such changes or alterations or the amount of such damage indicated in the preceding sections is more than 25 percent but not more than 50 percent of the then value of the building as determined by the Commissioner, then only the portions to be changed or altered shall be made to conform to the requirements of this chapter for new construction.
- (4) If the cost of such changes or alterations, or the amount of such damage indicated in the preceding sections is less than 25 percent of the then value of the building as determined by the Commissioner, minor structural changes and alterations may be made using materials which have the same strength and fire resistance as the materials of which the building is made.
- (5) Alterations and changes which are not of structural character may be undertaken using materials which have the same strength and fire resistance as the materials of which the building or structure is made.
- (6) No existing building shall be moved from one location to another unless such building is reconstructed or altered so that it will conform to the requirements of this chapter.
- (7) The provisions of this subchapter shall not apply to structures whose assessed value is less than \$1,500.
- (8) Notwithstanding the provisions of any other law, any other section of this chapter, and or any other subsection of this section, reconstruction or repair of all damages to existing buildings or structures caused by natural disasters including, but not limited to, hurricanes, windstorms, rainstorms, earthquakes, tornadoes, and monsoons, which are considered total destruction of a building or structure as determined by the Commissioner, or his designee, costing in excess of fifty percent of the then value of the building or structure, as determined by the Commissioner, or his designee, and/or, any damage to existing buildings or structures substantially affecting the structural integrity of any building or structure, including but not limited to roofing, foundations, foundation walls, other permanent supports and footings, which make the building or structure unsafe or unfit for occupancy, as determined by the Commissioner, or his designee, shall be in conformance with the applicable standardized codes, or portions thereof, as provided in sections 292a of this chapter.

### **History**



—Added Apr. 1, 1964, No. 1142, Sess. L. 1964, p. 95; amended Nov. 9, 1995, [No. 6087, § 6, Sess. L. 1995](#), p. 234; amended Apr. 11, 2024, [No. 8818, § 10\(a\), \(b\), Sess. L. 2024](#), p. —.

Annotations

## Notes

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### HISTORY

#### Revision note

—1998.

Subsection (a) designation was removed since there was no subsection (b) pursuant to [1 V.I.C. § 14](#).

—1964.

Substituted “May 1, 1964” for “the effective date of this chapter” in the introductory paragraph of this section in light of § 312(h) of this title and for purposes of clarity pursuant to [1 V.I.C. § 14](#).

#### Amendments

—1995.

Subsection (a)(8): Added.

## Research References & Practice Aids

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### Hierarchy Notes:

[29 V.I.C.](#)

[29 V.I.C. Ch. 5](#)

[29 V.I.C. Ch. 5, Subch. IX](#)

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## [29 V.I.C. § 311](#)

Statutes current through Act 8813 of the 2023 session of the 35th Legislature, including all code changes through March 28, 2024

***Virgin Islands Code Annotated > TITLE TWENTY-NINE Public Planning and Development (Chs. 1 — 24) > Chapter 5. Building Code (§§ 291 — 312) > Subchapter X. Other Applicable Codes (§ 311)***

**§ 311. Repealed. Apr. 11, 2024, No. 8818, § 11(b), Sess. L. 2024, p. —**

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## [29 V.I.C. Ch. 5, Subch. XI](#)

Statutes current through Act 8813 of the 2023 session of the 35th Legislature, including all code changes through March 28, 2024

*Virgin Islands Code Annotated* > *TITLE TWENTY-NINE Public Planning and Development (Chs. 1 — 24)* > *Chapter 5. Building Code (§§ 291 — 312)* > *Subchapter XI. Administration and Enforcement (§ 312)*

### **Subchapter XI. Administration and Enforcement**

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Annotations

### **Notes**

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#### **HISTORY**

##### **Codification.**

This chapter, as amended and reenacted by Act April 1, 1964, No. 1142, Sess. L. 1964, p. 95, contained no subchapter VI. Subchapters VII to XII were redesignated VI to XI by the editor.

### **Research References & Practice Aids**

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#### **Hierarchy Notes:**

[29 V.I.C.](#)

[29 V.I.C. Ch. 5](#)

Virgin Islands Code Annotated  
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## [29 V.I.C. § 312](#)

Statutes current through Act 8813 of the 2023 session of the 35th Legislature, including all code changes through March 28, 2024

*Virgin Islands Code Annotated > TITLE TWENTY-NINE Public Planning and Development (Chs. 1 — 24) > Chapter 5. Building Code (§§ 291 — 312) > Subchapter XI. Administration and Enforcement (§ 312)*

### **§ 312. Administration and enforcement**

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- (a) Except as otherwise provided in this chapter, the Commissioner shall administer and enforce the provisions of this chapter and the decisions of the Board of Zoning, Subdivision and Building Appeals rendered on the subject matter of this chapter.
- (b) After notice and hearing, the Commissioner shall promulgate regulations pursuant to title 3 Virgin Islands Code chapter 35 to carry out the purpose of this chapter, including regulations governing the construction, reconstruction, alteration, maintenance, use and occupancy, safety, electrical, mechanical, and plumbing equipment, wireless facilities, inspection of buildings and structures in the Territory, and reasonable administrative fees.
- (c) In the administration of this chapter the Commissioner shall require compliance with the Fire Prevention Code set out in Chapter 9 of Title 23 and the regulations of the Police Commissioner issued thereunder.
- (d) In the administration of this chapter the Commissioner shall require compliance with the relevant provisions of Chapters 53 and 55 of Title 19, Virgin Islands Code, and the rules and regulations of the Commissioner of Health issued thereunder.
- (e) Any person who has been served written notice of a violation of the provisions of this chapter by the Commissioner and shall have been ordered in writing to comply with the same, shall be allowed a period of forty-five (45) days to comply with the order of the Commissioner. Whoever having been so notified and shall have wilfully failed to comply with said order shall upon conviction of the same be fined not more than \$500. Each day of wilful violation after such conviction shall constitute a separate offense and shall be punishable by the same fine.
- (f) The Attorney General shall prosecute all actions required for the enforcement of provisions of this chapter.
- (g) In case any building is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building or structure is used in violation of this chapter, the Attorney General, in addition to other remedies, may institute any appropriate action or proceeding to prevent such unlawful action, to restrain, correct, or abate such violation or to prevent the occupancy or use of the building or structure or any illegal act or use in and about such premises.
- (h) [Deleted.]
- (i) The Commissioner may advise, consult, cooperate, contract and enter into agreements, subject to all applicable Virgin Islands procurement statutes, with agencies of the federal and territorial governments, interstate agencies and with other persons, as necessary to carry out the purposes of this chapter.

### **History**

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## § 312. Administration and enforcement

—Added Apr. 1, 1964, No. 1142, Sess. L. 1964, p. 95; amended Mar. 1, 1965, No. 1316, Sess. L. 1965, Pt. I, p. 33; June 15, 1984, No. 4964, § 1(b), Sess. L. 1984, p. 177; Nov. 23, 2004, [No. 6697, §§ 1\(s\), 1\(t\), Sess. L. 2004](#), p. 233; Oct. 7, 2011, No. 7299, § 4(b)(1)–(3), Sess. L. 2011, pp. 177, 178.

Annotations

## Notes

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### HISTORY

#### Editor's note.

The legislature of the United States Virgin Islands approved the rules and regulations referred to in subsection (h) of this section on February 24, 1966. See Act February 24, 1966, No. 1590, § 1, Sess. L. 1966, p. 37.

#### Amendments

##### —2011.

Act 7299, § 4(b)(1), rewrote subsection (b).

Act 7299, § 4(b)(2), deleted subsection (h).

Act 7299, § 4(b)(3), added subsection (i).

##### —2004.

Act 6697, § 1, inserted “establish reasonable fees and fines and” following “Legislature” in subsection (b)(2); and substituted “\$500” for “\$50” in subsection (e).

##### —1984.

Substituted “Police Commissioner” for “Commissioner of Public Safety” in subsection (c).

##### —1965.

Subsection (h): Substituted “1966” for “1965” in two places.

#### Effective date of amendments

##### —1984.

Act June 15, 1984, No. 4964, § 1(c), Sess. L. 1984, p. 177 provided that the name change authorized by subsection (b) of the act became effective Jan. 1, 1985.

#### Rules and regulations.

Text of rules and regulations (Building Code) issued under authority of this section, see Title 29, V.I. Rules and Reg. § 312(b-1) et seq.

#### Penalties for approval of noncomplying permits.

Act Nov. 9, 1995, [No. 6087, § 15, Sess. L. 1995](#), p. 236 provided:

## § 312. Administration and enforcement

“Any inspector, engineer, structural engineer, division head or Commissioner who approves or signs off on any building permit or occupancy permit which does not comply with provisions of the building code as set forth in Title 29 of the Virgin Islands Code shall be subject to a fine of not more than \$2,000 and/or a period of imprisonment of not more than one year.”

## ANNOTATIONS

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### 1. Fire hazards.

Government of the Virgin Islands has civil remedies available in the form of actions to abate, correct or restrain, for the correction of fire hazards caused by the activities of a private corporation, and these remedies may be as lenient as ordering the company to comply or as harsh as closing the company. 7 V.I. Op. Att'y Gen. 198.

## Research References & Practice Aids

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### Hierarchy Notes:

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