An Act amending title 29 Virgin Islands Code, chapter 3, subchapter I, section 235 (c), relating to the time period within which the Zoning Administrator must act on a building permit application submitted to the Department of Planning and Natural Resources to set time limits; requiring the Department to implement an Electronic Permitting System; amending chapter 5 section 296 relating to fees and fines for building permits to require that 3 percent of the fees collected under that section be deposited into the Department’s Reclamation Fund for maintaining the electric permitting system; and amending title 12, section 911(f)(4) relating to the Natural Resources Reclamation Fund to include 3 percent of the fees collected in 29 V.I.C. § 296 as a funding source for the Natural Resources Reclamation Fund.

PROPOSED BY: Senator Donna A. Frett-Gregory
Co-sponsors: Genevieve R. Whitaker and Samuel Carrión

Be it enacted by the Legislature of the Virgin Islands:

SECTION 1. Title 29 Virgin Islands Code, chapter 3, subchapter I, section 235 is amended as follows:

(a) Subsection (c) is amended by striking the last sentence, which reads: “Any application properly submitted under this section shall be acted upon by the Zoning Administrator within 60 days.” and inserting the following in its place:

“Upon receipt of an application, the Zoning Administrator shall stamp the application with the date and time it was received and shall notify the applicant by electronic and written
correspondence not later than five days after the application was received. The Zoning Administrator shall make a decision on the application not later than 45 days after receipt in the case of an application for a commercial permit, and not later than 30 days for a residential permit. If the application is deficient or denied, the Zoning Administrator shall send the applicant a written and electronic correspondence not later than five days after deficiency or denial determination.”

SECTION 2. The Department of Planning and Natural Resources shall implement a functional electronic permitting system not later than 18 months after the enactment of this act. At a minimum the system must address permitting, transactions, and permit issuance.

SECTION 3. Title 29 Virgin Islands Code, chapter 5, subchapter II, section 296 is amended in the following instances:

(a) Subsection (b) is amended:

(1) in paragraph (4) by striking the phrase, “using the revised CABO fee schedule in accordance with IRC 2003, section R1082” and inserting in its place” at 0.5% of the total cost of construction. All residential fees are inclusive of plan review and inspections for all required trades.”;

(2) in paragraph (5) by striking the phrase, “using the revised UBC fee schedule in accordance with IBC 2003, section 1082” and inserting in its place a sentence that reads “at 1% of the total cost of construction. All commercial fees are inclusive of plan review and inspections for all required trades.”

(b) Subsection (c) is stricken.

(c) Subsection (d) is amended by striking the phrase “$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.” and inserting in its place a phrase that reads: “0.5% of the total cost of construction for residential properties and 1% of the total cost of construction for commercial properties.”
(d) subsections (g), (h) and (i) are re-designated as subsections (h), (i) and (j) and a new subsection (g) is inserted and reads as follows: “(g) 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.”

SECTION 4. Title 12 Virgin Islands Code, chapter 21, section 911, subsection (f), paragraph (4) is amended in the second sentence by inserting “and 29 V.I.C. § 296(g)” after “chapter” and in the third sentence by inserting “and 29 VI.C. § 296” after “chapter”.

BILL SUMMARY

Section 1 of this bill amends title 29, chapter 3, subchapter I, section 235, subsection (c) of the Virgin Islands Code by reducing the time limits for action to be taken on an application for a building permit by establishing a five-day period for the applicant to be notified that his application was received. Section 2 requires the Department of Planning & Natural Resources to implement an electronic permitting system, and section 3 provides for 3 percent of all building permit fees be deposited into the Department’s Natural Resources Reclamation Fund. Section 4 amends 12 V.I.C. § 911(f)(4) to require that 3 percent of the section 296 fees be included as a funding source for the Natural Resources Reclamation Fund to use for maintaining and upgrading the electronic permitting system.