

THE VIRGIN ISLANDS DEPARTMENT OF SPORTS, PARKS AND
RECREATION

New Rules and Regulations for Beach Vendors

Submitted this ____ day of _____, 2026

to

GOVERNOR ALBERT BRYAN JR

by

Vincent Roberts

Commissioner of the Department of Sports, Parks and Recreation

Copy below is hereby certified to be a true and correct copy of the regulations adopted pursuant to authority granted in Title 3 V.I.C., Chapter 18, Section 302.

The Department of Sports, Parks and Recreation is charged with the responsibility of maintaining and developing recreation areas for public use as provided under Title 3 V.I.C. Section 302, which states in pertinent part that the Department shall, “(5) provide and maintain parks, recreation areas and sports complexes for public use and enjoyment and be responsible for the development of neighborhood parks or recreation areas that are primarily designed to provide facilities for team, recreational or individual sports; [...] (7) be responsible for and administer beautification programs.”

Pursuant to Title 3 V.I.C. Section 302(15), the Department of Sports, Parks and Recreation shall adopt the following rules and regulations regarding Beach Vendors and any subsequent changes thereto.

The following rules and regulations are new and added under Title 3 VI Rules and Regulations Chapter 18.

*ADOPTION OF NEW RULES AND REGULATIONS FOR THE DEPARTMENT OF SPORTS,
PARKS AND RECREATION – BEACH VENDORS
TITLE 3, CHAPTER 18, SUB-CHAPTER 280. RULES AND REGULATIONS OF THE
VIRGIN ISLANDS FOR BEACH VENDORS*

VI Code of U.S. Virgin Island Rules

Title 3. Executive

Chapter 18. Department of Sports, Parks, and Recreation

Sub-Chapter 280. Beach Vendors

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TITLE 3, CHAPTER 18, SUB-CHAPTER 280. RULES AND REGULATIONS
OF THE VIRGIN ISLANDS FOR BEACH VENDORS

§280-1: Definitions

Beach: refers to (1) the shorelines and (2) that portion of any adjacent public land designated by the Department as part of the beach. For purposes of this subchapter, the beach does not include any area subject to the jurisdiction of the Magens Bay Authority pursuant to 32 V.I.C. § 62.

Beach vending activities: refers to activities permitted or licensed under this subchapter on the beach as defined in this subchapter, including but not limited to the renting of items such as chairs, umbrellas, floats/mats, snorkels, jet skis, and other watercraft; the sale of beverages, food, and souvenirs; braiding and massage services; diving, horseback riding, guided tours and experiences, and party boat services; and other miscellaneous items as specified by the Department.

Beach vending: refers to the conduct of beach vending activities as authorized by the Department.

Canopy: refers to a tent, sunshade, or any other device intended to shade people beneath it and from the direct rays of the sun, with a maximum diameter of 13 feet and a maximum height of 10 feet.

Department: refers to the Department of Sports, Parks and Recreation.

DPNR: refers the Department of Planning and Natural Resources.

DPP: refers to the Department of Property and Procurement.

Event Beach Vending: refers to beach vending during a scheduled specific event, for a period of no longer than one week.

Long-Term Beach Vending: refers to beach vending for a period longer than one week.

License: refers to a Revocable Beach Vendor Operating License issued under these regulations.

Mobile vending structures: encompass any motorized or non-motorized vehicle, trailer, kiosk on wheels, pushcart, or similar structure or apparatus used for vending, including any portable or non-permanent device from which goods, services, merchandise, and food can be peddled, vended, served, displayed, distributed or sold to the public. Mobile vending structures must be removable from the beach vending premises and may not be permanently secured, centered, or anchored.

Permit: refers to an Event Beach Vending Permit issued under these regulations.

Shorelines: refers to, as defined by 12 V.I.C. § 402, the area along the coastlines of the United States Virgin Islands from the seaward line of low tide, running inland a distance of fifty (50) feet; or to the extreme seaward boundary of natural vegetation which spreads continuously inland; or to a natural barrier; whichever is the shortest distance. Whenever the shore is extended into the sea by filling or dredging, the boundary of the shorelines shall remain at the line of vegetation as previously established.

Stalls/booths: are small, temporary, and partially sheltered structures used for the sale or exhibition of goods.

Umbrellas: are collapsible monopole beach umbrellas with a maximum diameter of not exceeding eight (8) feet.

Vending Equipment: vending equipment includes but is not limited to any chairs, materials, merchandise, tools, carts, tables, stalls, booths, umbrellas, watercraft, or other items owned, possessed, or associated with a permitted or licensed vendor utilized in any capacity in the vending operation.

Vendor: is an individual who transfers goods or services for sale.

Water Sport Activities: Water sport activities are categorized into two main groups: motorized water sport activities, and non-motorized water sport activities. Motorized water sports require an engine, while non-motorized water sport activities do not. Jet skis and jet propulsion sports are not permitted in swimming areas.

§280-2: Requirements for Beach Vendors

- (a) Anyone engaged in Event Beach Vending must obtain a permit issued by the Department, comply with all conditions of that permit, and comply with all other applicable laws and regulations.
- (b) Anyone engaged in Long-Term Beach Vending must obtain a license issued by the Department, comply with all conditions of that license, and comply with all other applicable laws and regulations.

§280-3. Event Beach Vending Permit

(a) Application.

- (1) Only one application per business per event will be accepted and processed.
- (2) Applications must include:
 - (A) A current Virgin Islands Business License;
 - (B) A summary of the requested vending operation, specifically including which beach activities are proposed; and
 - (C) Food handler certifications (if applicable).
- (3) Before granting an Event Beach Vending permit, the Department will evaluate the application. In reviewing the application, the Department will consider:
 - (A) The requested vending operations' compatibility with the public use and enjoyment of the beach;
 - (B) The requested vending operations' compatibility with maintaining and improving the beauty of the beach;
 - (C) The requested vending operations' feasibility and safety;
 - (D) The Department's past experiences with vending operations similar to the requested vending operations; and
 - (E) The Department's past experience with the applicant.
- (4) No permit shall issue without the final approval from the Commissioner of the Department or their designee.
- (5) No permit shall issue before payment by the applicant of the Event Beach Vending fee. The fee for event permits shall be determined by the

Department.

(b) Effect of Permit.

- (1) The Event Beach Vending permit enables the vendor, for the duration of the permit, to set up vending equipment and conduct beach vending in the location designated by the Department. The vendor is prohibited from conducting any beach vending outside of the location designated by the Department.
- (2) The permit will identify the specific beach vending activities authorized. The vendor is prohibited from conducting any beach vending activity not authorized by the permit.
- (3) The sale of illegal drugs on the beach is strictly prohibited.
- (4) The Event Beach Vending permit cannot be transferred.
- (5) All beach vendors are subject to inspections by the Fire and Emergency Medical Services Department, the Department of Health and Environmental Services, the Department of Licensing and Consumer Affairs, and the Department of Planning and Natural Resources.

§280-4. Long-Term Beach Vending License

(a) Application.

- (1) Applications must include:
 - (A) A current Virgin Islands Business License;
 - (B) A summary of the requested vending operation, specifically including which beach activities are proposed;
 - (C) Proof of insurance as applicable; and
 - (D) Food handler certifications as applicable.
- (2) Before granting a Long-Term Beach Vending License, the Department will invite DPNR to conduct a survey of the proposed vending location and present a report to the Department, including a recommendation and/or any objections to the issuance of the permit. If the Department does not receive a response from the DPNR within 20 working days, the Department may, in its discretion, proceed to decide the application without input from the DPNR.
- (3) Before granting a Long-Term Beach Vending License, the Department will evaluate the application. In reviewing the application, the Department will consider:

- (A) The requested vending operations' compatibility with the public use and enjoyment of the beach;
 - (B) The requested vending operations' compatibility with maintaining and improving the beauty of the beach;
 - (C) The requested vending operations' feasibility and safety;
 - (D) The Department's past experiences with vending operations similar to the requested vending operations;
 - (E) Whether the applicant has demonstrated sufficient competency to conduct the requested vending operations; and
 - (F) The Department's past experience with the applicant.
- (4) No license shall issue before the applicant has signed the Revocable Operating License Agreement in the form provided by the Department.
 - (5) No license shall issue without the final approval from the Commissioner of DSPR or their designee.
 - (6) Upon approval from the Commissioner of DSPR or their designee, DSPR shall immediately notify DPP of the approved Revocable Operating License Agreement and provide an electronic copy thereof to DPP.
 - (7) All Long-Term Beach Vending licenses are conditioned upon the vendor passing all applicable inspections. No beach vending may occur until all applicable inspections are passed.
 - (8) All Long-Term Beach Vending licenses holders must pay the applicable fees as specified in the Revocable Operating License agreement.
- (b) Effect of License.**
- (6) The Long-Term Beach Vending license enables the vendor, for the duration of the license, to set up vending equipment and conduct beach vending in the location designated by the Department. The vendor is prohibited from conducting any beach vending outside of the location designated by the Department.
 - (7) The license will identify the specific beach vending activities authorized. The vendor is prohibited from conducting any beach vending activity not authorized by the license.
 - (8) Long-Term Beach Vending licenses are valid for one year and may be reviewed or terminated as set forth in the Revocable Operating License Agreement and this subchapter.
 - (9) As set forth in the Revocable Operating License Agreement, the vendor will hold the Government of the Virgin Islands harmless from all losses, claims, suits, actions, damages, and liability arising in connection with a

vendor's operations.

- (10) As set forth in the Revocable Operating License Agreement, Long-Term Beach Vending licenses may be revoked by the Government at any time for violation of the License Agreement, or of the Obligations of Vendors as described in Section 280-5, or for any reason or no reason at all upon 30 days' written notice.
- (11) The sale of illegal drugs on the beach is strictly prohibited.
- (12) The Long-Term Beach Vending license cannot be transferred.
- (13) All beach vendors are subject to inspections by the Fire and Emergency Medical Services Department, the Department of Health and Environmental Services, the Department of Licensing and Consumer Affairs, and the Department of Planning and Natural Resources.

§280-5. Obligations of All Beach Vendors

- (a) **Access.** All vending equipment must fit within the location designated by the Department in the permit or license. Beach vending cannot obstruct pedestrians, including those with strollers or wheelchairs.
- (b) **Vending Hours.** Beach vending hours are from 8 AM to 6 PM. Any beach vending to be performed outside of these hours must be approved beforehand, in writing, by the Department. Vendors must be actively stationed at their location during the operation of their beach vending.
- (c) **Waste Management.** All vendors are responsible for proper waste management at their designated location. All beach vendors must have a cleanup plan, and the refuse must be cleared immediately upon conclusion of beach vending each day. Maintenance and disposal of combustible materials and substances such as barbecues must be safely enclosed so to prevent access by public; charcoal/ wood/ ash must be contained and completely extinguished and removed from site at close of business and/or events. Gas cylinders must be in good condition, not leaking or corroding; and must be enclosed to prevent access by public. **No structures or supplies of any kind may be left on the beach overnight without the prior, written consent of the Department.** The Department shall notify DPNR of any overnight beach storage permission granted under this section.

(d) Appearance and Sound.

- (1) All vending equipment must be clean, sun-resistant, and well-maintained.

- The vendor may not plant or remove any flora and may not use existing flora (trees, bushes, etc...) for display or hanging merchandise or for use to prop or secure any structure. Vendors may not engage in loud or offensive music and must not violate the Virgin Islands Noise Pollution Control Act (19 V.I.C §§ 2041-2048).
- (2) Any graphics should convey the theme of the vending operation. Graphics may not be obscene in nature, religious, or political, and they must comply with signage regulation.
- (e) Carts and Canopies.** Canopies, umbrellas, and beach chairs must be clean and well-maintained. Umbrellas on pushcarts must be securely attached. All support must be mounted on the pushcart and cannot extend beyond its external dimensions. The lowest edge of any canopy or umbrella must be at least 8 feet 6 inches above the ground and cannot obstruct pedestrian traffic. The fabric of food cart and food truck canopies must be fire-resistant and suitable for extended wear in an outdoor environment, as well as resistant to sun exposure.
- (f) Beach Chair and Umbrella Rentals.**
- (1) The number of chair and umbrella rentals allowed is limited by the number set forth in the beach vending permit or license.
- (2) To allow for free movement on that portion of the beach closest to the water, chairs and umbrellas may not sit within 10 feet of the water.
- (3) All chairs and umbrellas must be suitably stored at the end of the day. Permission to leave any storage on the beach overnight requires prior written approval from the Department.
- (g) Stalls, Booths, and Mobile Vending Structures.**
- (1) Roof and floor coverings must protect all food preparation areas from airborne contamination. Counters used for food preparation must be equipped with smooth, non-porous work surfaces to prevent food contamination. Adequate and approved refuse disposal receptacles are mandatory, and there must be sufficient fresh water.
- (2) Stall structures, booth structures, and vehicles must harmoniously integrate into the surrounding environment and must be inspected by the Department before beach vending can begin. All vending structures and vehicles are subject to inspection by the relevant authorities.
- (h) Water Sports.**
- (1) Water sport activity vendors must have lifeguard training, a working cell phone to call 911 in emergencies, liability insurance, and proof of adequate

- safety equipment on each vessel.
- (2) Water sport activity vendors must have completed adequate training on the use of the watercraft used in their vending operation.
 - (3) Water sport activity vendors must have a printed, multi-language safe operation card, and they must review this safe operation card with each customer before allowing the vessel to be rented.
 - (4) Water sport activity vendors must maintain detailed maintenance logs according to the manufacturer's specifications for all maintenance carried out on each motorized vessel.
 - (5) In case of a fuel or oil spill on the beach or in the water, water sport vendors must have the necessary equipment to protect the environment.
 - (6) All motorized vessels must be licensed and registered through DPNR and in compliance with all local and federal regulations, including those concerning safety, navigation, equipment, and registration.
- (i) Horseback Riding and Animal Maintenance.**
- (1) The Department may designate areas for horseback riding.
 - (2) Conducting horseback riding on any beach requires a license from the relevant agencies in addition to the permit or license issued pursuant to this subchapter.
 - (3) Beach vendors must clean up after their horses, dogs, or any other animals they bring to the beach. Horses should be equipped with waste baskets, and baggies must be brought to the beach to collect pet feces, which should be properly disposed of off-site.
- (j) Environmental Considerations: Minimum Environmental Alteration**
- (1) No vendor is allowed to excavate or remove any deposit of sand, stone, gravel, or shingle from the foreshore without obtaining a permit from DPNR for such activity.
 - (2) The placement of temporary and structures, such as beach shelters, vendor booths, and vending equipment, must be undertaken to minimize environmental damage and promote the growth of natural vegetation.
 - (3) Interference with turtle nests, turtles, or critical habitat for endangered species is strictly prohibited.
 - (4) Attempting to kill, injure, or take any wild bird is strictly prohibited.
 - (5) The taking, damaging, or destroying the nest of any wild bird while it is in use is strictly prohibited.
 - (6) Vendors must not plant or remove any existing flora (trees, bushes, etc.) and must not use natural vegetation to hang merchandise or secure

structures.

- (7) All activities must be conducted in accordance with applicable federal and local laws and regulations, including but not limited to the requirements of the Open Shoreline Act (12 V.I.C. §§401-407).

(k) Safety, Attendance, Payment, and Other Considerations.

- (1) All vendors must adhere to all health and safety aspects of operations as mandated by the Department of Environmental Health regulations. Food handlers must obtain a permit from the Department of Environmental Health for all employees engaged in food vending.
- (2) A vendor must have an owner, manager, or employee with authority to make operational decisions present at the vendor site at all times while the vendor is open for business.
- (3) Vendors are encouraged to accept debit cards and credit cards. No minimum credit or debit card purchase amount requirement is allowed.
- (4) Pricing shall be clearly visible and legible to customers and conform to all applicable laws and regulations respecting truth-in-advertising.

§280-6. Penalties

- (a) The Government of the U.S. Virgin Islands, through its designated authorized personnel, has the power to investigate and conduct inspections to determine whether beach vendors are in compliance with relevant policies, regulations, and laws. Vendor obligations include the terms of their license or permit including any environmental restrictions, as well as the obligations set forth in Section 280-5.
- (b) Severe violations may warrant immediate revocation of a vendor's permit or license. Other violations shall be addressed as follows:
 - Step 1 – Verbal warning.
 - Step 2 – Written warning.
 - Step 3 – Fine issued by enforcement officer (maximum \$1,000 per offense).
 - Step 4 – Suspension of operation for a period of time not to exceed 1 year, and, if applicable, removal and impound of vending equipment.
 - Step 5 – Revocation of license or permit.
- (c) Long-term beach vendor licenses may also be revoked by the Department if the vendor has been inactive for more than six months. Vendors whose permit or license have previously been revoked may reapply for a permit or license, and the Department shall evaluate the new application and any history of

violation before determining eligibility for a new license or permit.

CERTIFICATION OF PUBLICATION AND CONFORMITY IN FORMATTING

In my capacity as Lieutenant Governor of the United States Virgin Islands, I have reviewed the foregoing Rules and Regulations from the Department of Sports, Parks and Recreation, and find them to be in compliance with Title 3, Chapter 35 of the Virgin Islands Code and hereby approve the same in accordance with 3 V.I.C. § 936.

TREGENZA A. ROACH, ESQ.
Lieutenant Governor
United States Virgin Islands

Date

GOVERNOR'S APPROVAL & LIEUTENANT GOVERNOR'S ATTEST

Pursuant to the powers vested in me by Section 11 of the Revised Organic Act of 1954, the above Rules and Regulations for Beach Vendors are hereby approved and shall be published in accordance with the provisions of Title 3 Chapter 35 for public notice and comment for at least thirty (30) days after the date of approval noted below.

ALBERT A. BRYAN, JR.
Governor
United States Virgin Islands

Date

Attest:

TREGENZA A. ROACH, ESQ.
Lieutenant Governor
United States Virgin Islands

Date

GOVERNOR'S CERTIFICATE OF COMPELLING CIRCUMSTANCES

Pursuant to the authority granted under Section 938 of Title 3 of the Virgin Islands Code, in my capacity as Governor of the United States Virgin Islands, I certify that because of compelling circumstances, including lengthy delays before publication, and the immediate need for guidance for vendors, the public interest requires that the attached Rules and Regulations for Beach Vendors become effective immediately on the date noted below.

ALBERT BRYAN JR.
Governor
United States Virgin Islands

Date

CERTIFICATION OF TRANSMITTAL TO LEGISLATURE

I hereby certify that the above approved Rules and Regulations for Beach Vendors were transmitted to the Legislature of the United States Virgin Islands pursuant to 3 V.I.C. § 913(a) on the date noted below.

Governor/Governor's Designee

Date