

TOWN OF PALM BEACH

Information for Town Council Meeting on: November 15, 2023

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Wayne Bergman, Director of Planning, Zoning & Building



Re: 410 S. County Road – Three Strikes & Stop Work Order

Date: November 6, 2023

FYI - This Memo is provided as Information to the Town Council

As you know, the Town has a “Three Strike Rule” for construction parking and construction site management. The regulations and process are found in the Town’s “Department of Public Works, Engineering Division, Standards Applicable to Public Rights-of-Way and Easements Within the Town of Palm Beach” (commonly called the Right-of-Way-Manual), dated May 1994, as revised through November 8, 2022. Chapter XII, Miscellaneous Provisions, contains the details of the Three Strike rules. The regulations spell out the process in which contractors can secure parking permits, the fees for various violations, and the process that must occur once a contractor receives Three Strikes – three different sets of tickets for construction violations. The applicable pages of the Right of Way Manual are attached.

410 S. County Road (Cocoon Palm Beach) recently reached the level of Three (3) Strikes for construction-related violations in the right of way. The contractor is J. Scott Development Company, LLC of Plantation, FL. Please refer to the attached letter dated October 26, 2023, for the details of the Three Strikes.

The regulations allow a time frame for the violator to appeal the ticket(s). In this case, since each violation was issued by Police / Code Enforcement, the appeal went to Chief Caristo of the Police Department. The contractor filed the appeal on October 30, 2023. Chief Caristo reviewed and denied the appeal on November 1, 2023. The Planning, Zoning & Building Department issued a STOP WORK ORDER for the construction project on November 1, 2023, based upon the denial of the appeal and the normal work stoppage for season of construction in the C-WA zoning district.

The contractor owes the Town \$500.00 in fees, plus any unpaid fines, at this time.

This is the first time that J. Scott Development Company, LLC has been before you with Three Strikes. Copies of all violations are attached.

The Town Council's process for this matter is contained within the Public Works "Right of Way Manual", as follows:

"When the Town Council receives a written request to lift a stop work order the Town Council shall have the power to admonish the contractor; take such action as deemed necessary to effect the stop work order on a permanent basis by nullifying the existing building permit; cause the contractor and/or property owner to enter into a binding agreement to memorialize the understandings between the Town and the contractor and/or property owner relative to all conditions placed upon the lifting of the stop work order, if applicable; establish penalties for future right-of-way violations the amount for which shall be in the sole discretion of the Town Council; collect the fine as outlined below, plus payment of any outstanding right-of-way fines and accumulated interest, as referenced herein below and to prohibit the issuance of any additional right-of way permits for the duration of the work in question.

The fine for a third (3rd) strike shall be \$500; the fine and penalty for a fourth (4th) strike shall be a fine of \$2,500 and a mandatory thirty (30) day shutdown of the construction project; the fine and penalty for a fifth strike shall be a fine of \$5,000 and a mandatory thirty (30) day shutdown of the construction project, plus payment of any outstanding right of-way fines and accumulated interest unless the Town Council chooses to invoke the use of a binding agreement memorializing a penalty structure to be paid to the Town for all future right-of-way violations in excess of three (3) to be paid in accordance with the terms and conditions of the binding agreement between the Town and the contractor and/or property owner. All fines and penalties shall be paid in full prior to issuance of a Certificate of Occupancy for the construction associated with the activity that generated the fines, penalties, and interest."

Any motion to resolve this matter should include "waiving the third strike" and "granting the ability for the contractor to apply for future right of way permits".

Attachments: Copies of the Violations and Fines
Copy of the Pending Stop Work Order Notice
Copy of the Warning Notice
Copies of Fees Due
Appeal Letter and Town Response

Cc: Paul Brazil, Director of Public Works
Police Chief Nicholas Caristo
Benjamin Alma, Civilian Div. Mgr.
Debby Moody
Michelle Sentmanat



POLICE DEPARTMENT
561-838-5454

PD - 0501

VIOLATION NOTICE *CE 23-1833*

RIGHT-OF-WAY, PARKING & CONSTRUCTION SITE MANAGEMENT

NAME: J. Scott Development Company DATE: 10/20/23

JOB ADDRESS: 410 S. County

The following violations shall be considered strikes based on the "3-Strike Rule" for construction projects. The Town may also concurrently prosecute the violation(s) through the Code Enforcement process.

- Working outside permit hours of construction \$150x ___ = ___
- Failure to comply with noise regulations \$150x ___ = ___
- Insufficient or not properly maintained construction screening \$150x ___ = ___
- Failure to maintain landscaping, where used for screening \$150x ___ = ___
- Failure to provide or properly screen on-job toilet facilities \$150x ___ = ___
- Violation of approved construction staging/truck logistics plan \$150x ___ = ___
- Failure to provide dedicated traffic monitor \$150x ___ = ___
- Worth Avenue-Parking construction vehicle/not actively loading/unloading \$150x ___ = ___
- Construction parking without a permit*
1st Offence \$150 2nd Offence \$250 Thereafter \$500 ___ x ___ = ___
Vehicle Tag(s):

- Working in right-of-way without permit \$150x ___ = ___
- Failure to have permit on job \$150x ___ = ___
- Inadequate Maintenance of Traffic \$150x ___ = ___
- Right-of-way littered by site dirt or debris \$150x ___ = ___
- Failure to maintain safe sidewalks \$150x 1 = 150
- Failure to carry-out permit terms and conditions \$150x ___ = ___
- Storage of materials in right-of-way \$150x 1 = 150
- Use of right-of-way as work area \$150x ___ = ___
- Damage to infrastructure in right-of-way \$150x ___ = ___
- Dewatering without a permit \$150x ___ = ___
- Illegal discharges to Town sewers** ___ x ___ = ___
- Failure to Comply with Town's right-of-way manual *** \$150x ___ = ___
- Other _____ ___ x ___ = ___
- 2nd and added days of violation, double fine ___ x ___ = ___

TOTAL FINE \$300

Should you wish to contest this violation call the Police Department at 561-838-5454 within seven (7) calendar days of the date of issuance. Total fine to be paid within 10 working days to: Town of Palm Beach, Finance Dept, PO Box 2029, Palm Beach, FL 33480, may also be paid in person at 360 S County Rd, Palm Beach, FL 33480. Please attach copy of this violation with payment, check must reference violation number.

No further permits will be issued until fine is paid.

*Parking violations are per vehicle per day. Parking placard must be displayed in vehicle

**Fines plus clean-up costs

***Includes but not limited to: Dumpster in Right-of-way -\$100 per incident. Right-of-way restoration-\$30 per day until restored.

ISSUER: J. Mejia/0308



POLICE DEPARTMENT
561-838-5454

PD -

0005

VIOLATION NOTICE

RIGHT-OF-WAY, PARKING & CONSTRUCTION SITE MANAGEMENT

NAME: J South Development Company LLC DATE: 02/23/2023

JOB ADDRESS: 410 S County Rd

The following violations shall be considered strikes based on the "3-Strike Rule" for construction projects. The Town may also concurrently prosecute the violation(s) through the Code Enforcement process.

- Working outside permit hours of construction \$150x ___ = ___
- Failure to comply with noise regulations \$150x ___ = ___
- Insufficient or not properly maintained construction screening \$150x ___ = ___
- Failure to maintain landscaping, where used for screening \$150x ___ = ___
- Failure to provide or properly screen on-job toilet facilities \$150x ___ = ___
- Violation of approved construction staging/truck logistics plan \$150x ___ = ___
- Failure to provide dedicated traffic monitor \$150x ___ = ___
- Worth Avenue-Parking construction vehicle/not actively loading/unloading \$150x ___ = ___
- Construction parking without a permit*
1st Offence \$150 2nd Offence \$250 Thereafter \$500 ___ x ___ = ___
Vehicle Tag(s):
- Working in right-of-way without permit \$150x 1 = 150
- Failure to have permit on job \$150x ___ = ___
- Inadequate Maintenance of Traffic \$150x 1 = 150
- Right-of-way littered by site dirt or debris \$150x ___ = ___
- Failure to maintain safe sidewalks \$150x ___ = ___
- Failure to carry-out permit terms and conditions \$150x ___ = ___
- Storage of materials in right-of-way \$150x ___ = ___
- Use of right-of-way as work area \$150x ___ = ___
- Damage to infrastructure in right-of-way \$150x ___ = ___
- Dewatering without a permit \$150x ___ = ___
- Illegal discharges to Town sewers** ___ x ___ = ___
- Failure to Comply with Town's right-of-way manual *** \$150x ___ = ___
- Other _____ ___ x ___ = ___
- 2nd and added days of violation, double fine ___ x ___ = ___

CE-23-1838

TOTAL FINE \$ 300

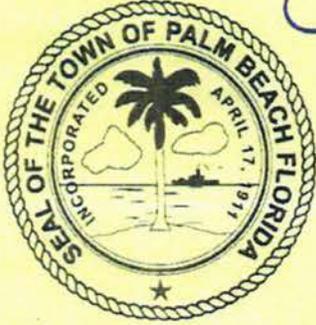
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**Fines plus clean-up costs
***Includes but not limited to: Dumpster in Right-of-way -\$100 per incident. Right-of-way restoration-\$30 per day until restored.



ISSUER: J. OLIVAREZ/0872 2023-296-110



CE 23-1855 PD- 01027

POLICE DEPARTMENT
(561) 838-5454

R.O.W. VIOLATION NOTICE

NAME: Forever Signs DATE: 10/25/2023

JOB ADDRESS: 410 S. County RD Palm Beach, FL

- | | |
|---|-----------------------------------|
| <input checked="" type="checkbox"/> Working in right-of-way without permit | \$ 150 X <u>1</u> = <u>150.00</u> |
| <input type="checkbox"/> Failure to have permit on job | \$ 150 X _____ = _____ |
| <input type="checkbox"/> Construction parking without permit*
1 st = \$150 2 nd = \$250 and thereafter = \$500 | \$ 150 X _____ = _____ |
| <input checked="" type="checkbox"/> Inadequate Maintenance of Traffic | \$ 150 X <u>1</u> = <u>150.00</u> |
| <input type="checkbox"/> Right-of-way littered by site dirt or debris | \$ 150 X _____ = _____ |
| <input checked="" type="checkbox"/> Failure to maintain safe sidewalk | \$ 150 X <u>1</u> = <u>150.00</u> |
| <input type="checkbox"/> Failure to carry-out permit terms/conditions | \$ 150 X _____ = _____ |
| <input type="checkbox"/> Storage of materials in right-of-wy | \$ 150 X _____ = _____ |
| <input type="checkbox"/> Use of right-of-way as work area | \$ 150 X _____ = _____ |
| <input type="checkbox"/> Damage to infrastructure in right-of-way | \$ 150 X _____ = _____ |
| <input type="checkbox"/> Dewatering without a permit | \$ 150 X _____ = _____ |
| <input type="checkbox"/> Illegal discharges to Town sewers** | \$ 500 X _____ = _____ |
| <input type="checkbox"/> Other _____ | \$ _____ X _____ = _____ |
| <input type="checkbox"/> 2nd and added days of violation, double fine | \$ _____ X _____ = _____ |

TOTAL FINE: \$ 450.00

Total fine to be paid within 10 working days to: Town of Palm Beach, **Finance Dept.**, P.O. Box 2029, Palm Beach, FL 33480, may also be paid in person at 360 S. County Road, Palm Beach, FL 33480. Please attach a copy of this violation with payment, check must reference violation number. No further permits will be issued until fine is paid. Should you wish to contest this violation call the Police Department at 561-838-5454.

*Parking violations are per vehicle per day. Parking placard must be displayed in vehicle.

**Fine plus clean-up cost.

***Includes but not limited to:

Dumpster in Right of Way \$100 per incident.

Right of Way restoration - \$30 per day until restored.

ISSUER J. Foley/9080 CAD# 2023-298046

white/violator

yellow/PW

pink/issuer



TOWN OF PALM BEACH
Finance Department
360 South County Road
PO Box 2029
Palm Beach, FL 33480
(561) 838-5444

INVOICE

85761

Page 1 of 1

DATE	10/26/2023
ACCOUNT	MI-000373
AMT DUE	500.00

J SCOTT DEVELOPMENT COMPANY LL
7099 E TROPICAL WAY
FT. LAUDERDALE, FL 33317

AMOUNT PAID _____



PAY YOUR STATEMENT ONLINE AT: [HTTPS://TOWNOFPALMBEACH.COM/EDENAR](https://TOWNOFPALMBEACH.COM/EDENAR)

TOWN OF PALM BEACH

MAKE CHECKS PAYABLE TO TOWN OF PALM BEACH
PLEASE DETACH AND RETURN WITH YOUR REMITTANCE

DESCRIPTION	AMOUNT
FINE 3-STRIKE RULE STRIKE 3 STRIKE 3 410 S COUNTY RD	500.00
Total Amount Due:	500.00

ACCOUNT NO. MI-000373

PAYABLE UPON RECEIPT

500.00

Please Remit to: TOWN OF PALM BEACH
Finance Department
360 South County Road
PO Box 2029
Palm Beach, FL 33480

**Pay your Statement online at: <https://TownofPalmBeach.com/EDENAR>
Log in or Register as a New User and connect to your account by entering your
Account No and Invoice number.**



TOWN OF PALM BEACH

Planning, Zoning & Building Department

October 26, 2023

Via email & mail: beesonjb@gmail.com

J Scott Development Company, LLC.
% Jeffrey Segraves
7099 E. Tropical Way
Plantation, FL 33317

Re: **STOP WORK ORDER PENDING** - 3-Strike Rule Citations – 410 S. County Rd – B-23-00900

As you know, the Town of Palm Beach Standards Applicable to Public Rights-Of-Way And Easements Within The Town Of Palm Beach regulates the number of construction-related vehicles that can be parked on Town streets in conjunction with building project sites within the Town. Attached to all construction permits issued to a job is information regarding these regulations.

This letter is to serve as notice that on **THREE** separate occasions you have received citations:

- Strike 3 October 25, 2023 (PD-1027 – Working in right of way without permit, inadequate maintenance of traffic and failure to maintain safe sidewalk)
- Strike 2 October 23, 2023 (PD-0005 – Working in the right of way without permit and inadequate maintenance of traffic)
- Strike 1 October 20, 2023 (PD-0501 Failure to maintain safe sidewalks and storage of materials in right of way)

Therefore, under the Town's rules (referred to as the "3-strike" rule), the Director of Public Works, Police Chief or Fire Chief have notified the Planning, Zoning & Building Department of these violations, and requested that a "Stop Work" order be issued as allowed by Section 18-204 of Town Code.

Per Town Resolution No 001-2022, because you have received these strikes, a fine in the amount of \$500.00 is being imposed and is also payable immediately to the Town of Palm Beach. This fine is in addition to all right-of-way citations referenced above. Invoice # **85761** is attached (Fine for Strike 3).

An appeal to both the Police Chief and the Director of Public Works needs to be submitted in writing within 7 days. If both appeals are denied or are not filed in a timely fashion, a "Stop Work" order will be issued by the Building Official effective the end of the working

day November 2, 2023. After that date, no work may be performed at the site under any permits issued by the Town of Palm Beach.

All requests to lift a “**Stop Work**” order would need to be decided by the Town Council. The next Town Council meeting date is Wednesday, November 15, 2023. In order for this item to be considered at that meeting, you would need to submit a written request to Debby Moody ASAP.

Truly yours,

Wayne Bergman

Wayne Bergman
Director, Planning, Zoning & Building Department

cc: Lendan Inc @ 205 Worth Ave #201, Palm Beach, FL 33480
K. Blouin, Town Manager
H. Paul Brazil, Public Works Director
Nicholas Caristo, Police Chief
Martin Deloach, Fire Marshal
Benjamin Alma, Parking and Code Enforcement Manager

J. Scott Development Company LLC

License CGC1518779

October 30, 2023

Town of Palm Beach Building Division
360 South County Road
Palm Beach, Florida 33480
(561) 838-5431

Re: Request to Lift "Stop Work" Order
Permit B23-00900 – 410 S. County Road

Dear Ms. Moody,

Our company is the General Contractor for the project Cocoon Palm Beach located at 410 S. County Road, Palm Beach, FL 33480.

We are building projects two miles away in the City of West Palm Beach, but this is the first time we have worked in the Town of Palm Beach. I want to apologize for the (3) three separate citations we have received during the duration of this project and understand that J. Scott Development Companies is responsible to schedule and maintain any project and follow the rules.

1. CE-23-1833 10/20/23 – Banner Drywall Delivery

We paid to have the drywall delivered and off-loaded directly into the back of our store. Unfortunately, the delivery driver arrived onsite unannounced, without anyone to help him load the job so without using any judgment, he just dropped our materials at the curb using his forklift and left. Once he left, he contacted us immediately, so I sent my workers to load the drywall inside. On their way back to the store, my service vehicle broke down. We arrived as quickly as we could (7:30 pm) and moved all materials inside the store. We were finished by 8:30 pm (see below). Unfortunately, this incident was beyond our control. We would have never intentionally left these items outside. We did make our best efforts to make sure that it was corrected asap and was not left there overnight.



2. CE-23-1838 10/23/23 – Angles Marble & Tile Floor Tile Delivery

This delivery driver showed up with a large truck that could not pull into the side alley of the building. He parked out front and was told by a building official and police officer that he could not park there. For foolish reasons, he chose to ignore their request and off-loaded these materials at the street and dropped them in the back parking lot.



3. CE-23-1855 10/25/23 – Forever Signs (Exterior Signage)

I was not aware of the exterior signage company being hired directly by the building owner. The signage company filed their own separate permits directly with the Town. They received ARCOM approval (permit A-23-03311) and obtained their own separate BUILDING permit (permit B-23-01346). This work should not have fallen under my permit B-23-00900 as I was completely unaware of the building owner's direct contact with the signage company. They should have filed for their own right-of-way permit.

I assure you that with any of the future work we do in the Town of Palm Beach, we will file for all necessary permits for delivery and right-of-way work. I am asking that you please work with us and reduce the number of violations so we can finish the Cocoon Palm Beach project. As of October 31, 2023, we only have a couple of weeks until we are finished with the following few items: baseboard installation, painting, lighting fixtures installation, toilet accessories installation, setting of (2) exterior A/C condensers and call for final inspections.

Here is a link to the owners existing store in Naples, FL in case you wanted more information about what their company: <https://www.cocoongallery.com/>

Please let me know if you need anything from me.

Sincerely,

J. Blake Beeson
J. Scott Development Company, LLC
(954) 914-6380

7099 E. Tropical Way, Plantation, Florida 33317 (954) 914-6380

J. Scott Development Company LLC

License CGC1518779

October 30, 2023

Town of Palm Beach Police Station
345 South County Road
Palm Beach, Florida 33480
(561) 838-5431

Re: Request to Lift "Stop Work" Order
Permit B23-00900 - 410 S. County Road

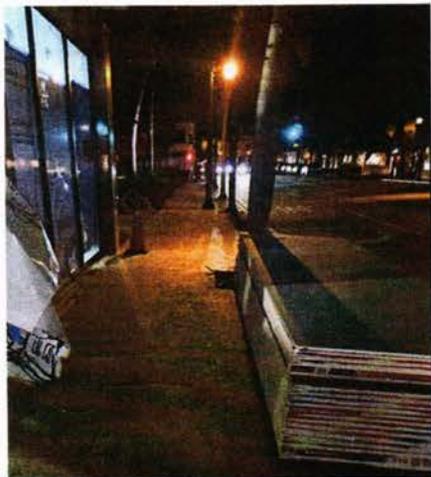
Dear Chief Caristo,

Our company is the General Contractor for the project Cocoon Palm Beach located at 410 S. County Road, Palm Beach, FL 33480.

We are building projects two miles away in the City of West Palm Beach, but this is the first time we have worked in the Town of Palm Beach. I want to apologize for the (3) three separate citations we have received during the duration of this project and understand that J. Scott Development Companies is responsible to schedule and maintain any project and follow the rules.

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This delivery driver showed up with a large truck that could not pull into the side alley of the building. He parked out front and was told by a building official and police officer that he could not park there. For foolish reasons, he chose to ignore their request and off-loaded these materials at the street and dropped them in the back parking lot.



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I assure you that with any of the future work we do in the Town of Palm Beach, we will file for all necessary permits for delivery and right-of-way work. I am asking that you please work with us and reduce the number of violations so we can finish the Cocoon Palm Beach project. As of October 31, 2023, we only have a couple of weeks until we are finished with the following few items: baseboard installation, painting, lighting fixtures installation, toilet accessories installation, setting of (2) exterior A/C condensers and call for final inspections.

Here is a link to the owners existing store in Naples, FL in case you wanted more information about what their company: <https://www.cocoongallery.com/>

Please let me know if you need anything from me.

Sincerely,

A handwritten signature in blue ink, appearing to read 'J. Blake Beeson'.

J. Blake Beeson
J. Scott Development Company, LLC
(954) 914-6380

7099 E. Tropical Way, Plantation, Florida 33317 (954) 914-6380

J. Scott Development Company LLC

License CGC1518779

October 30, 2023

Town of Palm Beach Public Works Department
951 Old Okeechobee Road, #A
West Palm Beach, Florida 33401
(561) 838-5440

Re: Request to Lift "Stop Work" Order
Permit B23-00900 – 410 S. County Road

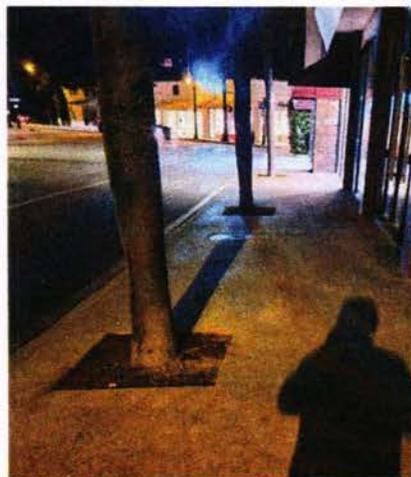
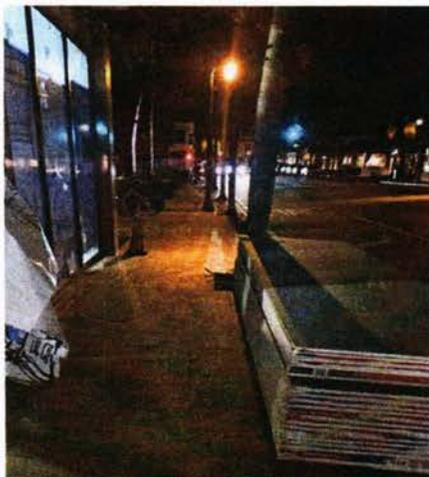
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Sincerely,

J. Blake Beeson
J. Scott Development Company, LLC
(954) 914-6380

7099 E. Tropical Way, Plantation, Florida 33317 (954) 914-6380



TOWN OF PALM BEACH POLICE DEPARTMENT

DEDICATED TO EXCELLENCE



November 1, 2023

J. Scott Development Company, LLC
Attn: J. Blake Beeson / Mitchell Siegal
7099 E. Tropical Way
Plantation, Florida 33317

Re: Code Violation – 410 South County Road, Palm Beach

Dear Messrs. Beeson and Siegal,

I am in receipt of your appeal request for the above address.

The Town Ordinance allows ten days after each violation to contest the violation. You have elected to contest several R.O.W. Violations. R.O.W. Violation # PD-0501, issued on October 20, 2023, for failure to maintain safe sidewalks and storage of materials in right-of-way; R.O.W. Violation # PD-0005, issued on October 23, 2023 for working in the right-of-way without a permit and inadequate maintenance of traffic; and R.O.W. Violation # PD-01027, issued on October 25, 2023 for working in the right-of-way without a permit, inadequate maintenance of traffic and failure to maintain safe sidewalk.

After thorough review of the Town Ordinances and the Town's Right-of Way Manual, along with the violations, the request for dismissal of the violation is denied.

With the recent changes in Town ordinances and the Town's commitment to strongly enforce construction site violations, I have an obligation to ensure consistencies in the enforcement and appeal process.

Sincerely,

Nicholas Caristo
Chief of Police

cc: Paul Brazil, Director of Public Works
Wayne Bergman, Director of Planning, Zoning and Building