

TOWN OF PALM BEACH

Information for Town Council Meeting on:

February 12, 2025

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager / Wayne Bergman, Director of Planning, Zoning & Building

From: Michelle Sentmanat, Business Services Supervisor in PZB

Re: 286 Orange Grove – Three Strikes & Stop Work Order (Permit B-23-01766)

Date: January 24, 2025

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.

286 Orange Grove recently received their third Strike for construction-related violations in the right of way. The contractor is Legacy Builders of Palm Beach, located in West Palm Beach, FL. Please refer to the attached letter dated January 22, 2025, for the details of the Strikes.

The regulations allow a time frame for the violator to appeal the ticket(s). In this case, since the last violation was issued by Public Works. To date, there have been no appeals. The Planning, Zoning & Building Department issued a STOP WORK ORDER for the construction project on January 24, 2025, based upon the number of strikes with no appeal filed.

The contractor is required to pay all fees and fines related to the Strikes.

This is the first time that Legacy Builders of Palm Beach has been before you with Three Strikes for this project. 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: Copy of the Pending Stop Work Order Notice
Copies of the Violations and Fines
Email from Public Works

Cc: Paul Brazil, Director of Public Works
Nicholas Caristo, Police Chief
Benjamin Alma, Parking and Code Enforcement Manager

Michelle Sentmanat

From: Patricia Strayer
Sent: Friday, January 24, 2025 10:23 AM
To: Michelle Sentmanat
Cc: Craig Hauschild
Subject: RE: 286 Orange Grove

I have not seen anything.

Patricia

Patricia Strayer, PE
Town Engineer

Town of Palm Beach
Public Works Department
951 Okeechobee Road
West Palm Beach, FL 33401
(O) 561.227.7056
(C) 561.339.7309

From: Michelle Sentmanat <MSentmanat@TownofPalmBeach.com>
Sent: Friday, January 24, 2025 10:14 AM
To: Patricia Strayer <PStrayer@TownofPalmBeach.com>
Cc: Craig Hauschild <chauschild@TownOfPalmBeach.com>
Subject: 286 Orange Grove

Good morning,

I have three citations now for the project at 286 Orange Grove. The latest one issued on 1/8/2025 for inadequate maintenance of traffic. Has an appeal by the contractor been made? I do not see anything on my side so I wanted to double check.

Kind Regards,

Michelle Sentmanat

Business Services Supervisor

Town of Palm Beach
360 S. County Rd.
Palm Beach, FL 33480
(561) 227-6413



TOWN OF PALM BEACH

Planning, Zoning & Building Department

January 22, 2025

Via email & mail: scott@legacypb.com

Legacy Builders of Palm Beach
% Scott Sullivan
991 Stinson Way, Suite 402
West Palm Beach, FL 33411

Re: **STOP WORK ORDER PENDING** - 3-Strike Rule Citations – 286 Orange Grove Rd – B-23-01766

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.

Your project has received **three citations, constituting three strikes**:
Strike 3 January 8, 2025 (PW-0244 for inadequate maintenance of traffic)
Strike 2 December 06, 2024 (PW-0214 for construction parking without permit)
Strike 1 July 8, 2024 (PW-5781 for illegal discharge to Town sewers)

Therefore, under the Town's rules (referred to as the "3-strike" rule), the Director of Public Works and Police 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 four strikes, fines are being imposed and are also payable immediately to the Town of Palm Beach. These fines are in addition to all right-of-way fines referenced above. Refer to Invoice #INV-25-00009562. Payments can now be made at www.townofpalmbeach.com . **NOTE: Invoice for strike 1 INV-24-00002794 and invoice for strike 2 INV-24-00009037 are past due and must be paid immediately.**

An appeal to Public Works needs to be submitted in writing within 7 days of the ticket. If an appeal is denied or is not filed in a timely fashion, a "Stop Work" order will be issued by the Building Official effective the end of the working day January 15, 2025. 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, February 12, 2025. For this item to be considered at that meeting, you would need to submit a written request to Michelle Sentmanat @ msentmanat@townofpalmbeach.com.

Truly yours,

Wayne Bergman

Wayne Bergman
Director, Planning, Zoning & Building Department

cc: Hartnett Shaw Deirdre and Harry Shaw @ P.O. Box 1108, Clinton, NC 28329
K. Blouin, Town Manager
H. Paul Brazil, Public Works Director
Nicholas Caristo, Police Chief
Benjamin Alma, Parking and Code Enforcement Manager

INVOICE (INV-25-00009562)
FOR TOWN OF PALM BEACH

BILLING CONTACT

Legacy Builders of the Palm Beaches
Legacy Builders of the Palm Beaches
991 Stinson Way Suite 402 Suite 402
West Palm Beach, FL 33411



INVOICE NUMBER	INVOICE DATE	INVOICE DUE DATE	INVOICE STATUS	INVOICE DESCRIPTION
INV-25-00009562	01/22/2025	01/23/2025	Due	NONE

REFERENCE NUMBER	FEE NAME	TOTAL
STRIKE-25-00196	Fine for strike 3	\$500.00
286 Orange Grove Rd Palm Beach, FL 33480		SUBTOTAL \$500.00

REMITTANCE INFORMATION
Town of Palm Beach 360 S County Rd PO Box 2029 Palm Beach, FL 33480 561-838-5431

TOTAL **\$500.00**



PW- 5781

PUBLIC WORKS DEPARTMENT
(561) 838-5440

R.O.W. VIOLATION NOTICE

NAME: Legacy Builders DATE: 7/8/24

JOB ADDRESS: 286 Orange Grove Rd

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

TOTAL FINE: \$500.00

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 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 Public Works Office at 561-838-5440.

* 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: Will Campbell
white/violator yellow/PW pink/issuer



VIOLATION NOTICE

RIGHT-OF-WAY, PARKING & CONSTRUCTION SITE MANAGEMENT

NAME: Legacy DATE: 12/6/24

JOB ADDRESS: 276 Orange Grove

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 \$150 x 1 = \$150
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 ___ = ___
- 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 ___ = ___

TOTAL FINE \$150

Should you wish to contest this violation call the Public Works office at 561-838-5440 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: Mark Horton



VIOLATION NOTICE

RIGHT-OF-WAY, PARKING & CONSTRUCTION SITE MANAGEMENT

NAME: Legacy Builders DATE: 1/8/25

JOB ADDRESS: 286 Orange Grove

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 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 _____ = _____

TOTAL FINE \$150

Should you wish to contest this violation call the Public Works office at 561-838-5440 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.

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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: _____