

TOWN OF PALM BEACH

Information for Town Council Meeting on: March 4, 2025

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

FROM: H. Paul Brazil, P.E., Director of Public Works

RE: Right-of-Way Division of Responsibilities

DATE: January 27, 2025

STAFF RECOMMENDATION

Town staff was requested to provide an explanation of the division of responsibilities among departments for the Town's right-of-way.

GENERAL INFORMATION

The Public Works Department is responsible for the maintenance of the Town's right-of-way. Public Works staff manage the public's request to work in the right-of-way using the "Standards Applicable to Public Rights-of-Way and Easements within the Town of Palm Beach," which was authorized by Ordinance Number 10-94 and adopted by Town Council on July 12, 1994. It has subsequently been revised several times since that adoption and Public Works plans to bring a resolution to Town Council in May for another revision.

Public Works staff works directly with Planning, Zoning and Building (PZB) to permit work within the right-of-way. PZB staff performs the role of accepting the permits which are now done mostly through the new software. PZB and Public Works share a civil engineer position which assist managing the right-of-way permitting process. The right-of-way inspection position reports directly to the Town Engineer. This position reviews permits and drives throughout the Town inspecting work in the right-of-way. Public Works Services Division monitors the vegetative waste placed in the public right-of-way for collection and disposal to ensure it is in compliance with Town Ordinance Chapter 102, Sec. 102-45. Violations are issued to landscape contractors or property owners for non-compliance. Public Works Water Resources Division inspects sewer connections from private property to the Town's sanitary sewer system. Public Works relies on multiple staff within the department to communicate when issues arise and will deploy staff to locations on notice.

The Police Department (PD) (Code Officers & Police Officers) assists Public Works with right-of-way violations by either self-initiated enforcement or called in complaints. Regarding only right-of-way violation cases handled by the PD, from January 01, 2024 through today, there have been 373 self-initiated cases and 164 called in complaints.

The PZB Department has two (2) groups of site inspectors.

1. We have the Florida Building Code licensed inspectors who perform inspections (as requested by the contractor) to confirm compliance with the Florida Building Code and the approved set of plans. These inspectors are licensed under F.S. 468, Building Code Administrators and Inspectors Law, and the Florida Administrative Code (F.A.C.). These inspectors have the authority to enter private property to perform the mandatory inspections, this authority is also granted under State Law. This inspector group has the authority to pass or fail construction work, based upon whether it matches the approved plans and Florida Building Code requirements. They also have the authority to stop construction work for just cause. This group typically does not issue parking or right-of-way violations, as their time is spent on compliance with the Florida Building Code. This group typically performs between 100 and 175 total inspections per day.
2. Another group of PZB planners perform the final design review (ARCOM or LPC) of new projects, generally at the end of a project. This planning group confirms compliance with material choices, site layout and design, and landscape. This group of planners does not handle any violations in the field, but follows up with the architect, owner, and/or contractor from their office regarding any inconsistencies. This group probably performs ten (10) inspections per month.

FUNDING/FISCAL IMPACT

No additional funding impacts.

cc: Jason Debrincat, P.E., Assistant Director
Patricia Strayer, P.E., Town Engineer
Joanne O'Connor, Town Attorney, Jones Foster