

# TOWN OF PALM BEACH

Information for Town Council Meeting on: April 13, 2022

---

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

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

Re: 1284 N. Lake Way – Third Strike & Stop Work Order

Date: April 12, 2022

---

## **FYI - This Memo is provided as Information Only 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 January 12, 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.

1284 N. Lake Way recently reached the level of Three Strikes for construction violations. The first violation (strike) was written for inadequate maintenance of traffic on November 12, 2020 by Public Works. The second violation (strike) was written for construction parking without a permit, on December 21, 2021 by Public Works. Two separate Notice of Violations were issued that day. A Warning Notice was sent to the contractor the same day. The third violation (strike) was written obstruction of the right of way, without a permit, on April 7, 2022 by Code Enforcement. Copies of all violations are attached. The Pending Stop Work Order Notice was sent to the contractor April 8, 2022.

The regulations allow the violator to appeal the ticket(s). In this case, since the last violation was issued by Code Enforcement, the appeal was filed to Police Chief Nick Caristo, by letter dated April 11, 2022. The appeal was filed in accordance with the time allowed under the code (filed within seven (7) days). The regulations required Chief Caristo to hear / review the appeal (if filed) and render a ruling. Chief Caristo found in favor of the Town, and therefore upheld the third violation (Third Strike). This decision occurred on April 12, 2022. The Planning, Zoning & Building Department will issue a STOP WORK ORDER for the entire construction project on April 13, 2022.

The contractor currently owes \$750.00 at this time, for fines and penalties.

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 "3 strike" fine, 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 (3<sup>rd</sup>) and each subsequent strike shall be \$500 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."*

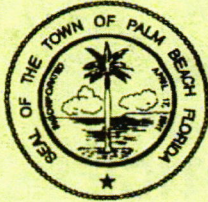
Any motion to resolve this matter should include "waiving the third strike" and "granting the ability for the contractor to apply for future right of way permits".

Attachments: Copies of the three violations (strikes)  
Copy of the Warning Notice  
Copy of the Pending Stop Work Order Notice  
Copy of the Appeal  
Copy of Chief Caristo's decision regarding the appeal

WRB

Cc: Paul Brazil, Director of Public Works  
Police Chief Nick Caristo





PW- 5700

**PUBLIC WORKS DEPARTMENT**  
**(561) 838-5440**

## R.O.W. VIOLATION NOTICE

NAME: Island Coast / Lu Design DATE: 12.21.21JOB ADDRESS: 1284 N Lake Way

- |  |                                  |
|--|----------------------------------|
| <input type="checkbox"/> Working in right-of-way without permit  | \$ 150 X _____ = _____           |
| <input type="checkbox"/> Failure to have permit on job   | \$ 150 X _____ = _____           |
| <input checked="" type="checkbox"/> Construction parking without permit*<br>1 <sup>st</sup> = \$150 2 <sup>nd</sup> = \$250 and thereafter = \$500 | \$ 150 X <u>\$2</u> = <u>300</u> |
| <input type="checkbox"/> Inadequate Maintenance of Traffic   | \$ 150 X _____ = _____           |
| <input type="checkbox"/> Right-of-way littered by site dirt or debris  | \$ 150 X _____ = _____           |
| <input type="checkbox"/> Failure to maintain safe sidewalk   | \$ 150 X _____ = _____           |
| <input type="checkbox"/> Failure to carry-out permit terms/conditions  | \$ 150 X _____ = _____           |
| <input type="checkbox"/> Storage of materials in right-of-way  | \$ 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 _____ = _____         |

Parked Van on Kruyan  
white car on Kruyan

TOTAL FINE: 150 300

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.

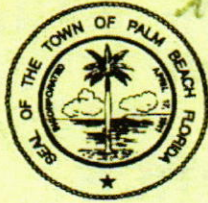
ISSUER Pm 13

white/violator

yellow/PW

pink/issuer





PUBLIC WORKS DEPARTMENT  
(561) 838-5440

## R.O.W. VIOLATION NOTICE

NAME: Island Construction DATE: 11.12.2020

JOB ADDRESS: 1284 N Lake Way

- |  |                                |
|--|--------------------------------|
| <input type="checkbox"/> Working in right-of-way without permit  | \$ 150 X _____ = _____         |
| <input type="checkbox"/> Failure to have permit on job   | \$ 150 X _____ = _____         |
| <input checked="" type="checkbox"/> Construction parking without permit*<br>1 <sup>st</sup> = \$150 2 <sup>nd</sup> = \$250 and thereafter = \$500 | \$ 150 X <u>3</u> = <u>450</u> |
| <input checked="" type="checkbox"/> Inadequate Maintenance of Traffic  | \$ 150 X <u>1</u> = <u>150</u> |
| <input type="checkbox"/> Right-of-way littered by site dirt or debris  | \$ 150 X _____ = _____         |
| <input type="checkbox"/> Failure to maintain safe sidewalk   | \$ 150 X _____ = _____         |
| <input type="checkbox"/> Failure to carry-out permit terms/conditions  | \$ 150 X _____ = _____         |
| <input type="checkbox"/> Storage of materials in right-of-way  | \$ 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 _____ = _____       |

For \$150 - IE47PF / For \$250 - CNEY Silverado - 273E2N / ELK441 TOTAL FINE: 600

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: Paul Bergeon

white/violator

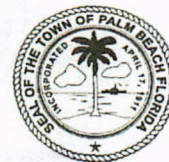
yellow/PW

pink/issuer



**TOWN OF PALM BEACH**  
**POLICE DEPARTMENT**  
**Code Enforcement Unit**  
**Notice of Violation**

10245



Stephen Garcia  
Respondent's Name

Island Construction/CV Design  
Name of Company/Resident/Business

Respondent's Address

Property/Business Address

YOU ARE NOTIFIED that on Thursday at April 7, 2022 at 0920 hrs.  
(day) (date) (time)

a violation of Obstruction of the right of way w/o permit/receiving delivery, blocking the roadway  
(description of violation)

which violate the following Town of Palm Beach Code of Ordinances: 106-1  
(chapter and section)

occurred at: 1284 N. Lacey Way Palm Beach FL 33480  
(violation address)

**YOUR OPTIONS ARE INDICATED BELOW:**

- ☒ 1) YOU MAY ADMIT to the violation by making payment by mail or in person between the hours of 9:00 A.M. and 5:00 P.M., Monday through Friday, at the Town's Finance Department at 360 South County Road., Palm Beach, Florida 33480. **NO LATER THAN 5:00 P.M. ON THE MONDAY BEFORE THE SCHEDULED HEARING NOTED BELOW.** The fine amount is \$ 125.00

**OR**

YOU MAY ELECT TO APPEAR IN PERSON before the Code Enforcement Board on Thursday, May 19, 2022 at 2 P.M. in the Town Council Chambers, Town Hall, located at 360 South County Road., Palm Beach, Florida 33480. For further information call 561/227-7080

- ☐ 2) THIS CASE WILL BE HEARD BEFORE THE CODE ENFORCEMENT BOARD on Thursday, \_\_\_\_\_ at 2 P.M. in the Town Council Chambers, Town Hall, located at 360 South County Road., Palm Beach, Florida 33480. For further information call 561/227-7080

**I ACKNOWLEDGE RECEIPT OF THIS CODE ENFORCEMENT NOTICE OF VIOLATION**

Stephen Garcia  
Signature of Respondent

This will be your only notice of the hearing. Failure to pay the fine or appear at the hearing will result in this matter being held in absentia. The maximum fine imposed may be \$250 for a first offense, \$500 for repeat offenses, or a maximum of \$5,000 if irreparable in nature, in addition to the administrative costs.

J. Felix/9080  
Code Enforcement/Police Officer - I.D.

4-07-2022  
Date

0927 hrs.  
Time

2022-097-067  
Case/CAD #

**I WISH TO ADMIT TO THE CHARGES, WAIVE MY RIGHT TO A HEARING AND PAY FINE.**

\_\_\_\_\_  
Signature of Respondent

WHITE - PD Case File

BLUE - PD Log

GREEN - Finance

CANARY - Respondent





PUBLIC WORKS DEPARTMENT  
(561) 838-5440

## R.O.W. VIOLATION NOTICE

NAME: Island Construction DATE: 12.21.21

JOB ADDRESS: 1284 N Lake Way

- |  |                                  |
|--|----------------------------------|
| <input type="checkbox"/> Working in right-of-way without permit  | \$ 150 X _____ = _____           |
| <input type="checkbox"/> Failure to have permit on job   | \$ 150 X _____ = _____           |
| <input checked="" type="checkbox"/> Construction parking without permit*<br>1 <sup>st</sup> = \$150 2 <sup>nd</sup> = \$250 and thereafter = \$500 | \$ 150 X <u>\$3</u> = <u>450</u> |
| <input type="checkbox"/> Inadequate Maintenance of Traffic   | \$ 150 X _____ = _____           |
| <input type="checkbox"/> Right-of-way littered by site dirt or debris  | \$ 150 X _____ = _____           |
| <input type="checkbox"/> Failure to maintain safe sidewalk   | \$ 150 X _____ = _____           |
| <input type="checkbox"/> Failure to carry-out permit terms/conditions  | \$ 150 X _____ = _____           |
| <input type="checkbox"/> Storage of materials in right-of-way  | \$ 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 _____ = _____         |

x 2 ~~Blue~~ Painting Box Vans  
x 1 Silver pickup

TOTAL FINE: 450

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.

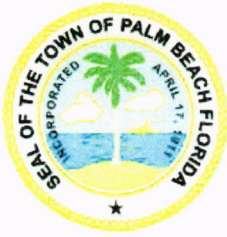
ISSUER: Paul B...

white/violator

yellow/PW

pink/issuer





## TOWN OF PALM BEACH

Planning, Zoning & Building Department

December 21, 2021

Via email: [cdavi@islandconstructionl.com](mailto:cdavi@islandconstructionl.com); [daniela@islandconstructionl.com](mailto:daniela@islandconstructionl.com); [steve.johnson@libhamp.com](mailto:steve.johnson@libhamp.com)

Island Construction & Design Co  
% Richard Valle  
249 Peruvian Ave, F-4  
Palm Beach, FL 33480

Re: **Warning Notice** Construction Vehicle Parking Citations – 1284 N Lake Way, B-20-85303

On December 21, 2021 you received two citations for violation of the “3-Strike Rule”, which regulates the number of construction-related vehicles that can be parked on Town streets in conjunction with building sites. These regulations are contained in the Town of Palm Beach Standards Applicable To Public Rights-Of-Way And Easements Within The Town Of Palm Beach and information regarding these regulations is attached to all construction permits issued to a job site. Specifically, when possible all vehicles should be parked on private property. Permits (up to three in number) can be approved when private parking availability is limited and sufficient spaces in the right-of-way are available.

If three parking citations are received, the Director of Public Works may notify the Planning, Zoning & Building Department of these violations, and request that a “**Stop Work**” order be issued as allowed by Section 18-204 of Town Code (referred to as the “3-strike” rule).

You have received **three** parking citations on **two** separate occasions: December 21, 2021 (PW-5699 for 3 vehicles), December 21, 2021 (PW-5700 for two vehicles) and on November 12, 2020 (PW-5431 for 3 vehicles).

This is to notify you that if you receive another citation, under the Town’s rules a “Stop Work” order will be issued by this Department. Please note that if a “Stop Work” order is issued by the Building Official, no work may be performed at the site under any permits issued by the Town of Palm Beach, until the Town Council determines if and under what conditions the work may proceed.

Your cooperation in observing the parking regulations of the Town will assist in ensuring that your job proceeds without disruption.

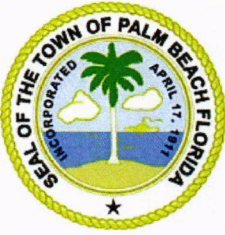
Sincerely,

*Wayne Bergman*

Wayne Berman  
Director, Planning, Zoning & Building Department

cc: Ulla, LLC, 1284 N Lake Way, Palm Beach, FL 33480  
Jay Boodheshwar, Deputy Town Manager  
H. Paul Brazil, Public Works Director  
Nicholas Caristo, Police Chief  
Benjamin Alma, Support Services Manager

Post Office Box 2029 \* 360 South County Road \* Palm Beach, FL 33480 \* (561) 838-5430



TOWN OF PALM BEACH  
Planning, Zoning & Building Department

April 8, 2022 Via email: [cdavi@islandconstruction1.com](mailto:cdavi@islandconstruction1.com); [daniela@islandconstruction1.com](mailto:daniela@islandconstruction1.com); [steve.johnson@libhamp.com](mailto:steve.johnson@libhamp.com)

Island Construction & Design Co  
% Richard Valle  
249 Peruvian Ave, F-4  
Palm Beach, FL 33480

Re: Construction Parking & Construction Site Management Citations –1284 N Lake Way, B-20-85303

**STOP WORK ORDER PENDING**

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 and other construction site matters. 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 – April 7, 2022 (NOV10245 – Obstruction of the Right of Way without permits

Strike 2 - December 21, 2021 (PW-5699 for 3 vehicles) AND December 21, 2021 (PW-5700 for two vehicles)

Strike 1 - November 12, 2020 (PW-5431 for 3 vehicles)

**Per Town Resolution No. 001-2022, because you have received a second and third strike, fines in the amount of \$750.00 are being imposed and are payable immediately to the Town of Palm Beach. This fine is in addition to all right-of-way fines referenced above (PW-6417).**

Therefore, under the Town's rules (referred to as the "3-strike" rule), the Chief of Police or the Director of Public Works has 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.

**An appeal to the Chief of Police needs to be submitted in writing within seven (7) calendar days of the date of issuance of the citation. 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 April 14, 2022. 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 Tuesday, May 10, 2022. In order for this item to be considered at that meeting, you would need to submit a written request to me no later than **Wednesday, May 4, 2022 prior to 5:00 PM.**

Sincerely,

*Wayne Bergman*

Wayne Berman  
Director, Planning, Zoning & Building Department

cc: Ulla, LLC, 1284 N Lake Way, Palm Beach, FL 33480  
Jay Boodheshwar, Deputy Town Manager  
H. Paul Brazil, Public Works Director  
Nicholas Caristo, Police Chief  
Benjamin Alma, Support Services Manager





PW- 6417

PUBLIC WORKS DEPARTMENT  
(561) 838-5440

## R.O.W. VIOLATION NOTICE

NAME: ISLAND CONST DATE: 4/8/2022JOB ADDRESS: 1284 N. LAKE WAY

- |  |                                  |
|--|----------------------------------|
| <input type="checkbox"/> Working in right-of-way without permit        | \$ 150 X _____ = _____           |
| <input type="checkbox"/> Failure to have permit on job                 | \$ 150 X _____ = _____           |
| <input type="checkbox"/> Construction parking without permit*          | \$ 150 X _____ = _____           |
| 1 <sup>st</sup> = \$150 2 <sup>nd</sup> = \$250 and thereafter = \$500 |                                  |
| <input type="checkbox"/> Inadequate Maintenance of Traffic             | \$ 150 X _____ = _____           |
| <input type="checkbox"/> Right-of-way littered by site dirt or debris  | \$ 150 X _____ = _____           |
| <input type="checkbox"/> Failure to maintain safe sidewalk             | \$ 150 X _____ = _____           |
| <input type="checkbox"/> Failure to carry-out permit terms/conditions  | \$ 150 X _____ = _____           |
| <input type="checkbox"/> Storage of materials in right-of-way          | \$ 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 _____ = _____           |
| X Other <u>FINES STRIKE 2/3</u>  | \$ _____ X _____ = <u>750.00</u> |
|  | <u>STRIKE!</u>                   |
| <input type="checkbox"/> 2nd and added days of violation, double fine  | \$ _____ X _____ = _____         |

ORDINANCE 1-2022 TOTAL FINE: 750.00

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.

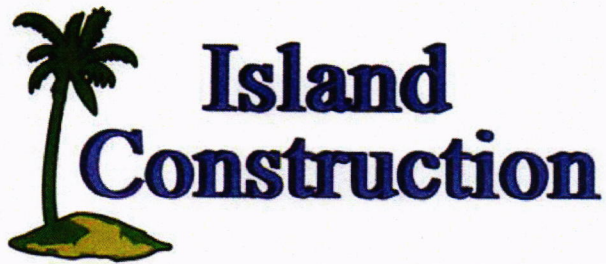
ISSUER: [Signature]

white/violator

yellow/PW

pink/issuer





April 11, 2022

Town of Palm Beach  
360 S County Road  
Palm Beach, FL 33480

RE: **Citation NOV10245**

Dear Mr. Nicholas Caristo, Chief of Police

We are writing this letter in order to appeal the violation received on April 7th, 2022. The delivery for which we received the citation was not that of Island Construction, but one for the homeowner - to which we had no knowledge. We completed work at 1284 N Lake Way approximately one month ago, and are in the process of compiling the necessary paperwork in order to close out the permit.

At Island Construction, we take the rules and regulations set in place by the Town of Palm Beach very seriously, and strictly enforce those rules both within our company and with our subcontractors.

Your consideration to this matter, and this appeal, is greatly appreciated

Respectfully,  
Richard Valle  
Owner, Island Construction

249 Peruvian Ave Suite F4 • Palm Beach • FL 33480  
Phone: 561.863.2933





# TOWN OF PALM BEACH POLICE DEPARTMENT

DEDICATED TO EXCELLENCE



April 12, 2022

Mr. Richard Valle  
Island Construction & Design Co.  
249 Peruvian Avenue, F-4  
Palm Beach, FL 33480

Re: Code Violations  
1284 North Lake Way

Dear Mr. Valle,

I am in receipt of your appeal request.

Town Ordinance allows ten days after each violation to contest the violation.

Citation #PW 5431 for construction parking issued on November 11, 2020.  
Citation #PW 5699 for construction parking issued on December 21, 2020.  
Citation #PW 5700 for construction parking issued on December 21, 2021.  
Citation #NOV10245 for construction parking issued on April 7, 2022.  
Citation #PW 6417 for construction parking issued on April 8, 2022.

Based on the totality of the citations issued, your appeal request 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. You may contact the Planning, Zoning, and Building Department for any next steps in appearing before Town Council or restarting work.

After thorough review of the Town Ordinance and the Town's Right-of-Way Manual, along with the violations and the subsequent actions of the construction staff, the request for dismissal of the violations is denied.

Sincerely,

Nicholas Caristo  
Chief of Police

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