

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 13, 2022

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

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

Re: 333 Sunset Avenue– Third Strike & Stop Work Order

Date: December 7, 2022

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.

333 Sunset Avenue recently reached the level of Three Strikes for construction violations. The contractor is Straticon LLC. Please refer to the attached letter dated November 29, 2022 for the details of the three strikes. This is the first time that Straticon LLC has been before you with Three Strike projects. Copies of the violations are attached. The Pending Stop Work Order Notice (attached) was sent to the contractor.

The regulations allow a time frame for the violator to appeal the ticket(s). In this case, the contractor waived the appeal process. The Planning, Zoning & Building Department issued a STOP WORK ORDER for the construction project on December 8, 2022.

The contractor owes the Town \$750.00 in fees, plus any unpaid fines, at this time.

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

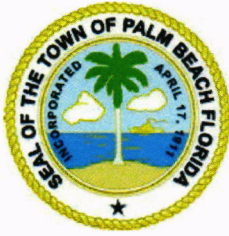
contractor and/or property owner to enter into a binding agreement to memorialize the understandings between the Town and the contractor and/or property owner relative to all conditions placed upon the lifting of the stop work order, if applicable; establish penalties for future right-of-way violations 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
Copy of the Pending Stop Work Order Notice
Email from the contractor

Cc: Paul Brazil, Director of Public Works
Police Chief Nicholas Caristo
Debby Moody



TOWN OF PALM BEACH

Planning, Zoning & Building Department

November 29, 2022

Via email: jeff.hardin@straticon.com; ajp@pergs.com

Straticon LLC
% Jeffrey Hardin
1515 S Federal Hwy, 401
Boca Raton, FL 33432

Re: **STOP WORK ORDER PENDING** - 3-Strike Rule Citations – 333 Sunset Ave, B-22-95064,
B-22-95394, B-22-96403

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 29, 2022 (PD-00302 – Saturday construction Hours)
Strike 2 October 12, 2022 (PW-6851 – Failure to carry out permit terms/conditions, illegal discharges to Town sewers)
Strike 1 September 9, 2022 (PW-6802 – Dewatering without a permit, illegal discharges 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 these strikes, a fine in the amount of \$750.00 is being imposed and is also payable immediate to the Town of Palm Beach. This fine is in addition to all right-of-way fines referenced above. Invoice #81325 is attached.

An appeal to the Police Chief needs to be submitted in writing within 7 days of the issuance of your strike. 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 December 6, 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, December 13, 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, December 7, 2022, prior to 5:00 PM.**

Truly yours,

Wayne Bergman

Wayne Bergman
Director, Planning, Zoning & Building Department

cc: Royal Poinciana South, 333 Sunset Ave, Palm Beach, FL 33480
K. Blouin, Town Manager
H. Paul Brazil, Public Works Director
Nicholas Caristo, Police Chief
Benjamin Alma, Parking and Code Enforcement Manager



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

INVOICE

81325

Page 1 of 1

DATE	11/29/2022
ACCOUNT	MI-000327
AMT DUE	750.00

STRATICON LLC
1515 S FEDERAL HWY
401
BOCA RATON, FL 33432

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 Fine for Strike 3 333 Sunset Ave	500.00
FINE 3-STRIKE RULE STRIKE 2 Fine for Strike 2 333 Sunset Ave	250.00
Total Amount Due:	750.00
ACCOUNT NO. MI-000327	PAYABLE UPON RECEIPT 750.00

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.



PW- 6802

PUBLIC WORKS DEPARTMENT
(561) 838-5440

R.O.W. VIOLATION NOTICE

NAME: Royal Poinciana Building DATE: 9/9/22
JOB ADDRESS: 333 Sunset Ave

- | | |
|---|-------------------------------------|
| <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*
1 st = \$150 2 nd = \$250 and thereafter = \$500 | \$ 150 X _____ = _____ |
| <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 <u>1</u> = <u>\$150.00</u> |
| <input type="checkbox"/> Illegal discharges to Town sewers** | \$ 500 X <u>1</u> = <u>500.00</u> |
| <input type="checkbox"/> Other _____ | \$ _____ X _____ = _____ |
| <input type="checkbox"/> 2nd and added days of violation, double fine | \$ _____ X _____ = _____ |

TOTAL FINE: \$ 650.00

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 William Williams

white/violator

yellow/PW

pink/issuer



PW- 6851

**PUBLIC WORKS DEPARTMENT
(561) 838-5440****R.O.W. VIOLATION NOTICE**NAME: Royal Poinciana South DATE: 10-12-22JOB ADDRESS: 333 Sunset Ave

- | | |
|---|--------------------------------|
| <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*
1 st = \$150 2 nd = \$250 and thereafter = \$500 | \$ 150 X _____ = _____ |
| <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 checked="" type="checkbox"/> Failure to carry-out permit terms/conditions | \$ 150 X <u>1</u> = <u>150</u> |
| <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 checked="" type="checkbox"/> Illegal discharges to Town sewers** | \$ 500 X <u>1</u> = <u>500</u> |
| <input type="checkbox"/> Other _____ | \$ _____ X _____ = _____ |
| <input type="checkbox"/> 2nd and added days of violation, double fine | \$ _____ X _____ = _____ |

TOTAL FINE: \$650.00

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

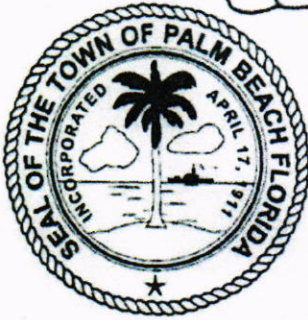
Will Campbell

white/violator

yellow/PW

pink/issuer





CE 22-1936

PD- 00302

POLICE DEPARTMENT
(561) 838-5454**R.O.W. VIOLATION NOTICE**NAME: Straticon LLC DATE: 10-29-22JOB ADDRESS: 333 Sunset Ave

- | | |
|---|--------------------------|
| <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*
1 st = \$150 2 nd = \$250 and thereafter = \$500 | \$ 150 X _____ = _____ |
| <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-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 <u>Sat Const. Hurs</u> <u>20-2021</u> <u>4-2022</u> \$ <u>250</u> X <u>11</u> = <u>250.00</u> | |
| <input type="checkbox"/> 2nd and added days of violation, double fine | \$ _____ X _____ = _____ |

TOTAL FINE: 250.00

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: T. J. WALKER / 02772 CE 22-1936 CAD 2022-302-122

white/violator

yellow/PW

pink/issuer

