



CITY OF DUNNELLO

Division of Code Enforcement

20750 River Drive Dunnellon, FL 34431

Telephone (352) 465-8500 x1015, Fax (352) 465-8505

October 28, 2025

TRACK LINE LLC
C/O DAVE MALAY & GABRIELLE MALAY
700 CARROLL AVE, STE 110
SOUTHLAKE, TX 76092

TRACK LINE RAIL LLC
C/O REGISTERED AGENTS SOLUTIONS INC
2894 REMINGTON GREEN LN, STE A
TALLAHASSEE, FL 32308

RE: NOTICE OF VIOLATION

Case #: CE2025-090

Parcel #: 33638-000-00

Property Address: SEC 25 TWP 16 RGE 18, SEC 26 TWP 16 RGE 18

Dear CSX Transportation Inc.,

A site inspection was conducted from the public roadway. The subject property was found to be in violation of the following City of Dunnellon code(s):

Facts constituting the violation: 100s of old/used railroad ties being stored in a flood plains area that is also zoned R1B & R3.

Article & Section: Florida Statutes

380.04 Definition of development.—

(1) The term “development” means the carrying out of any building activity or mining operation, the making of any material change in the use or appearance of any structure or land, or the dividing of land into three or more parcels.

(2) The following activities or uses shall be taken for the purposes of this chapter to involve “development,” as defined in this section:

NOTICE OF VIOLATION

- (a) A reconstruction, alteration of the size, or material change in the external appearance of a structure on land.
- (b) A change in the intensity of use of land, such as an increase in the number of dwelling units in a structure or on land or a material increase in the number of businesses, manufacturing establishments, offices, or dwelling units in a structure or on land.
- (c) Alteration of a shore or bank of a seacoast, river, stream, lake, pond, or canal, including any “coastal construction” as defined in s. 161.021.
- (d) Commencement of drilling, except to obtain soil samples, mining, or excavation on a parcel of land.
- (e) Demolition of a structure.
- (f) Clearing of land as an adjunct of construction.
- (g) **Deposit of refuse, solid or liquid waste, or fill on a parcel of land.**
- (3) The following operations or uses shall not be taken for the purpose of this chapter to involve “development” as defined in this section:
 - (a) Work by a highway or road agency or railroad company for the maintenance or improvement of a road or railroad track, if the work is carried out on land within the boundaries of the right-of-way.
 - (b) Work by any utility and other persons engaged in the distribution or transmission of gas, electricity, or water, for the purpose of inspecting, repairing, renewing, or constructing on established rights-of-way any sewers, mains, pipes, cables, utility tunnels, power lines, towers, poles, tracks, or the like. This provision conveys no property interest and does not eliminate any applicable notice requirements to affected land owners.

The 2025 Florida Statutes

823.01 Nuisances; penalty.—All nuisances that tend to annoy the community, injure the health of the citizens in general, or corrupt the public morals are misdemeanors of the second degree, punishable as provided in s. 775.083, except that a violation of s. 823.10 is a felony of the third degree.

History.—s. 47, Feb. 10, 1832; RS 2704; GS 3680; RGS 5624; CGL 7817; s. 932, ch. 71-136; s. 32, ch. 73-334; s. 66, ch. 74-383; s. 1, ch. 75-24; s. 41, ch. 75-298; s. 18, ch. 83-214; s. 3, ch. 2001-57.

CODE OF ORDINANCES CITY OF DUNNELLON, FLORIDA

ARTICLE II. - FLOODPLAIN PREVENTION

- **Sec. 90-55. - Buildings, structures and facilities exempt from the Florida Building Code.**

NOTICE OF VIOLATION

Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 Code of Federal Regulations sections 59 and 60), floodplain development permits or approvals shall be required for the following buildings, structures and facilities that are exempt from the Florida Building Code and any further exemptions provided by law, which are subject to the requirements of this article:

- (1) Railroads and ancillary facilities associated with the railroad.
- (2) Nonresidential farm buildings on farms, as provided in F.S. § 604.50, Florida Statutes, as amended.
- (3) Temporary buildings or sheds used exclusively for construction purposes.
- (4) Mobile or modular structures used as temporary offices.
- (5) Those structures or facilities of electric utilities, as defined in F.S. § 366.02, as amended, which are directly involved in the generation, transmission, or distribution of electricity.
- (6) Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida. As used in this paragraph, the term "chickee" means an open-sided wooden hut that has a thatched roof of palm or palmetto or other traditional materials, and that does not incorporate any electrical, plumbing, or other non-wood features.
- (7) Family mausoleums not exceeding 250 square feet in area which are prefabricated and assembled on site or preassembled and delivered on site and have walls, roofs, and a floor constructed of granite, marble, or reinforced concrete.
- (8) Temporary housing provided by the state department of corrections to any prisoner in the state correctional system.
- (9) Structures identified in F.S. § 553.73(10)(k), Florida Statutes, as amended, are not exempt from the Florida Building Code if such structures are located in flood hazard areas established on flood insurance rate maps.

(Ord. No. 2017-17, § 3, 1-8-2018)

DIVISION 9. - DEFINITIONS

Sec. 90-85. - Definitions

Development. Any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, tanks, temporary structures, temporary or permanent storage of equipment or materials, mining, dredging, filling, grading, paving, excavations, drilling operations or any other land disturbing activities

DIVISION 8. - VIOLATIONS

Sec. 90-79. - Violations.

Any development that is not within the scope of the Florida Building Code but that is regulated by this article that is performed without an issued permit, that is in conflict with an issued permit, or that does not fully comply with this article, shall be deemed a violation of this article. A building or structure without the documentation of elevation of the lowest floor, other required design certifications, or other evidence of compliance required by this article or the Florida Building Code is presumed to be a violation until such time as that documentation is provided.

(Ord. No. 2017-17, § 3, 1-8-2018)

Chapter 99 - PROPERTY MAINTENANCE CODES

Sec. 99-5. - Public nuisances.

(a) No person owning, leasing, operating, or having control of any premises located within the city shall maintain, keep, or permit any nuisance as described in this section. Tenants in possession of property, landlords, property owners, and property management or real estate companies responsible for property maintenance shall be jointly and severally responsible for complying with this section.

(b) The existence of any of the following conditions or conduct is hereby declared to constitute a public nuisance:

(1) A condition or use that causes a substantial diminution of value of property in the vicinity of the condition or use.

(2) Buildings that are abandoned.

(3) Buildings that are boarded up, except when placed for temporary hurricane protection and removed within 30 days.

(4) Buildings that are partially destroyed and not rebuilt within a reasonable temporary period while repairs are being arranged.

(5) Partially constructed buildings that are not completed within a customary construction period or for which building permits have expired.

(6) Any attractive nuisance dangerous to children such as excavations, untended or unfenced swimming pools, or abandoned or broken equipment or machinery.

NOTICE OF VIOLATION

(7) Overt blocking of drainage swales, pipes, or driveways, so as to cause flooding or adversely affect surrounding property.

(8) Excessive or untended accumulations of trash or abandoned property, including scattered trash and litter that remains on commercial parking lots for a period longer than 24 hours.

(9) Outdoor storage, which does not include the parking of boats or motor vehicles, on private property of unlicensed and/or inoperable boats or motor vehicles which are not parked in the back-yard or screened from public view.

(10) Accumulation of nuisance grasses and/or weeds.

(11) Any other condition or use that constitutes a nuisance to the public which is continually or repeatedly maintained, the abatement of which would be in the best interest of the health, safety, and welfare of residents of the city.

(Ord. No. 2011-02, § 3, 4-11-2011; Ord. No. 2014-02, § 4, 8-11-2014)

Date and time violation noticed/committed: October 24, 2025

Corrective Action: Remove all railroad ties from Dunnellon city limits.

Date Violation must be corrected by: Nov.14,2025

If violation(s) are not corrected, the property owner will be issued a Notice of Hearing before the Special Magistrate.

The Special Magistrate has the power to issue orders having the effect of law; to order abatements and repairs; to establish and levy fines of up to \$500.00 per day. Fines and penalties imposed by the Special Magistrate may become liens filed with the Clerk of Court.

Section 2-202 of the City of Dunnellon's Code of Ordinances details the procedure to follow in order to pay the civil penalty or to contest the notice of violation; the applicable civil penalty if the person elects to contest the violation; and the applicable civil penalty if the person elects not to contest the notice of violation.

Failure to pay the civil penalty within the time allowed, or failure to appear at a hearing scheduled in front of the special magistrate will result in waiving of the right to contest the notice of violation and that, in such case, judgment may be entered against the person for an amount up to the maximum civil penalty (refer to Section 2-202 of the City of Dunnellon's Code of Ordinances on Code Violation Procedures).

NOTICE OF VIOLATION

If you transfer ownership of the aforementioned property prior to the hearing, you must disclose the existence of this violation(s) to the transferee and provide notice of the transfer to the Enforcement Official as required by Florida Statute, Section 162.06.

Communication with the city regarding your case is important so we may work with you to resolve the violation(s). Should you have any questions or need additional time to address the violation and avoid action, please contact our office at (352) 465-8500 x1015.

Sincerely,

A handwritten signature in black ink that reads "Chad A. Ward". The signature is written in a cursive, flowing style.

Chad A. Ward
Code Enforcement Officer