

Agenda
City of Dunnellon
20750 River Drive, Dunnellon, FL 34431
City Council Meeting
March 11, 2026, 5:00 PM

Dunnellon City Council meeting will be held on March 11, 2026, 5:00 pm.

Public Comment: Anyone who wishes to provide public comment will be able to do so by participating in the City Council meeting in person.

Supporting Documentation for Agenda items may not be ADA compliant for website posting. To obtain supporting documentation not published to the website, please contact the City Clerk's office.

Public input on non-agenda items will be heard at the beginning of the meeting. A three (3) minute time limit will be strictly administered.

Call to Order

Pledge of Allegiance

Opening Prayer/Moment of Silence

(suggested time limit: 1 minute Mayor to request if any invitee is present to open with prayer; if no invitee is present, Mayor will ask if a Dunnellon citizen will volunteer. If no volunteers, a moment of silence will be offered. If a citizen outside of Dunnellon requests to open with prayer, (s)he may do so if no invitees/citizens volunteer.)

Roll Call

Proof of Publication - The agenda was published on the City's Website and City Hall bulletin board on Wednesday, March 4, 2026. The agenda was amended on Monday, March 9th to add item #5d and on Wednesday, March 11th to change the order of the agenda.

Council's Comments Regarding Agenda

Public Comment on non-agenda items - 3 minute time limit

Consent Agenda

Accept public comment on consent agenda items prior to making a motion.

(Note: Motion to approve items on the consent agenda is a motion to approve the recommended actions.)

Approval of Minutes (backup to be provided)

Regular Agenda

1. **Presentations**

1.a America 250 Celebration - Bobbi Perez and Roger Waddell

2. **Discussion**

2.a Joint Petition with Marion County Requesting Nuisance Abatement Injunction

Documents:

[REVISED Draft Petition for Injunction with Dunnellon FINAL.pdf](#)

Public Hearing Statement

All persons wishing to address the City council will be asked to limit their comments to the specific subject being addressed. Public opinions and input are valued by the Council. However, it is requested that comments are directed at specific issues rather than personal comments directed toward the council members or staff in order to foster mutual respect between council members and the public.

Members of the public in attendance at public forums should listen courteously and attentively to all public discussions before the body; and focus on the business at hand. They shall refrain from interrupting other speakers; making personal comments not germane to the business of the body; or otherwise interfering with the orderly conduct of meetings.

Members of the public addressing City council and boards/commissions on a specific project or proposal are requested to disclose any personal interest or relationship; and any business, professional, or financial interests with any individual, group, project or proposal regarding the subject matter under review. Members of the public should always err on the side of more public disclosure, not less, in order to provide integrity to the public process.

3. **Public Hearing**

3.a Public Hearing Ordinance #ORD2026-01, Special Events (published on the City's Website 2/23/2026 and in the Riverland News 2/27/2026)

Documents:

[Agenda Summary for Ordinance ORD2026-01 Special Events.pdf](#)

3.b Final Reading Ordinance #ORD2026-01, Special Events

Accept Public Comment

Proposed Motion: I move Ordinance #ORD2026-01 be read by title only.

Proposed Motion: I move Ordinance #ORD2026-01 be approved.

Documents:

[Ordinance ORD2026-01 Special Events_FINAL with exhibit.pdf](#)

[Ordinance ORD2026-01 Business Impact Statement.pdf](#)

4. **Ordinances**

- 4.a** First Reading Ordinance #ORD2026-03, Boat Launch Regulations (backup to be provided)

Accept Public Comment

Proposed Motion: I move Ordinance #ORD2026-03 be read by title only.

Proposed Motion: I move Ordinance #ORD2026-03 be approved.

5. **Regular Agenda Items**

- 5.a** Boomtown Request for Alcohol Waiver

Accept Public Comment

Proposed Motion: Waive Sec. 6-4 of the City Code, Possession or Consumption on Public Property or on Private Property without permission, during the hours of 9:00 a.m. to 5:00 p.m. on April 11, 2026 for the 2026 Boomtown Days event, restricted to the areas shown on the map submitted with special event permit application #20260042.

Documents:

[Agenda Summary Form Alcohol Waiver for 2026 Boomtown Days.pdf](#)

- 5.b** Discussion - MCSO River Patrol

- 5.c** Discussion - Rainbow River Restoration Project

6. **Department Reports/MCSO Report**

7. **Council Liaison Reports and Comments**

8. **City Attorney Report**

Adjourn

Proposed Motion: I move the City Council meeting be adjourned.

ANY PERSON REQUIRING A SPECIAL ACCOMMODATION AT THIS HEARING BECAUSE OF A DISABILITY OR PHYSICAL IMPAIRMENT SHOULD CONTACT THE CITY CLERK AT (352) 465-8500 AT LEAST 48 HOURS PRIOR TO THE PROCEEDING. IF A PERSON DESIRES TO APPEAL ANY DECISION WITH RESPECT TO ANY MATTER CONSIDERED AT THE ABOVE MEETING OR HEARING, HE OR SHE WILL NEED A RECORD OF THE PROCEEDING, AND FOR SUCH PURPOSE, HE OR SHE MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. THE CITY IS NOT

RESPONSIBLE FOR ANY MECHANICAL FAILURE OF RECORDING EQUIPMENT.

IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT
IN AND FOR MARION COUNTY, FLORIDA

MARION COUNTY, a political
subdivision of the State of Florida, and
THE CITY OF DUNNELLON, a political
subdivision of the State of Florida,

CASE NO:

Plaintiff,
vs.

TRACK LINE RAIL, LLC, a registered
Foreign Limited Liability Company, d/b/a
TRACK LINE, LLC, FLORIDA NORTHERN
RAILROAD COMPANY, LLC, a Florida
Limited Liability Company, and CSX
TRANSPORTATION, INC., a registered
Foreign Corporation,

Defendant.

COMPLAINT

Plaintiffs, MARION COUNTY, a political subdivision of the State of Florida,
and THE CITY OF DUNNELLON, a municipal corporation of the State of Florida
hereby sue Defendants, TRACK LINE RAIL, LLC, a registered Foreign Limited
Liability Company, d/b/a “TRACK LINE, LLC”, FLORIDA NORTHERN RAILROAD
COMPANY, LLC, a Florida Limited Liability Company and CSX
TRANSPORTATION, INC., a registered Foreign Corporation, and allege as follows:

PARTIES, JURISDICTION AND VENUE

1. This matter invokes the Circuit Court’s jurisdiction pursuant to
section 26.012, Florida Statutes (2025), as this instant action involves
preliminary and permanent injunctive relief pursuant to Chapter 60, Florida
Statutes, and other applicable laws.

2. The events giving rise to this action and the real property at issue in this action occurred and exist in the City of Dunnellon and Marion County, Florida. As such, venue is appropriate in Marion County, Florida.

3. Plaintiff, MARION COUNTY (hereinafter, “County”), is a political subdivision of the State of Florida, with its administrative offices located at 601 SE 25th Avenue, Ocala, Florida 34471.

4. Plaintiff, THE CITY OF DUNNELLO (hereinafter, “City”), is a political subdivision of the State of Florida, with its administrative offices located at 20750 River Drive, Dunnellon, Florida 34431.

5. Defendant, TRACK LINE RAIL, LLC, a registered Foreign Limited Liability Company, d/b/a “TRACK LINE, LLC”, (hereinafter, “Track Line”), is a Texas limited liability company registered and engaging in business in the State of Florida at property owned by CSX TRANSPORTATION, INC. located at 20361 and 20365 E. McKinney Avenue, Dunnellon, Florida.¹ Track Line’s Registered Agent is identified as Registered Agent Solutions, Inc., 1200 South Pine Island Road, Plantation, FL 33324.

6. Defendant, FLORIDA NORTHERN RAILROAD COMPANY, LLC, (hereinafter, “Florida Northern”), a Florida Limited Liability Company, leases and/or maintains operations at property owned by CSX TRANSPORTATION, INC. located at 20361 E. McKinney Avenue, Dunnellon, Florida. Florida Northern’s

¹Track Line, LLC was filed in Arizona on January 24, 2020, and later converted to a Texas entity that was renamed to Track Line Rail, LLC on May 23, 2024, pursuant to the Texas Secretary of State Certificate of Conversion executed by “David Malay” on May 21, 2024. Track Line Rail, LLC through its member, “Dave Malay”, registered in Florida on February 14, 2025, as a foreign (Texas) limited liability company.

Registered Agent is identified as CT Corporation System, 1200 South Pine Island Road, Plantation, FL 33324.

7. Defendant, CSX TRANSPORTATION, INC., (hereinafter, “CSX”), a registered Foreign Corporation, is engaging in business in the State of Florida and owns that certain property addressed 20361 and 20365 E. McKinney Avenue, Dunnellon, Florida. CSX’s Registered Agent is identified as CT Corporation System, 1200 South Pine Island Road, Plantation, FL 33324.

FACTUAL BACKGROUND

8. The real property at issue in this action is located at and adjacent to real property located at 20361 and 20365 E. McKinney Avenue, Dunnellon, Marion County, Florida, owned by Defendant CSX (the “Property”). The Property consists of three adjacent parcels, one that is located entirely within the City², one that is located entirely within the County³, and one that is split between both the City and the County,⁴ and more particularly described in the attached Exhibit “A.”

9. The portions of the Property lying within the County are within a Spring Protection Overlay Zone (SPOZ) and zoned as Agriculture (A-1). See Marion County Land Development Code, Article 5, Division 4, Sec. 5.4.1 – 5.4.4 and Article 4, Division 2, Sec. 4.2.3.

10. The portions of the Property lying within the City are within the flood plains area and zoned residential medium density (R-1B) and residential multiple

² Parcel ID 33638-000-00 (approximately 11.45 acres) depicted in the attached Exhibit “B.”

³ Parcel ID 33638-000-03 (approximately 55.38 acres) depicted in the attached Exhibit “C.”

⁴ Parcel ID 33638-000-02 (approximately 15.14 acres) depicted in the attached Exhibit “D.”

dwelling (R-3). See City of Dunnellon Code of Ordinances, Appendix A, Article VIII, Sec. 7.1.

11. By information and belief, Defendant Florida Northern is operating on a portion of the Property with express consent of Defendant CSX.

12. By information and belief, Defendant Track Line, with the express consent of either Defendant Florida Northern or Defendant CSX, was obtaining, receiving, staging, storing, and stockpiling an inordinate amount of used creosote-treated wooden railroad ties on the Property for Defendant Track Line's stated purpose of establishing a facility that will process, grind, and shred the railroad ties out in the open and thereafter ship the (potentially hazardous) processed materials to cement kilns for burning. See attached Exhibit "E."

13. Defendant Track Line's proposed facility was previously operational in the City of Newberry, Alachua County, Florida but was shut down by the Alachua County Environmental Protection Department on May 6, 2025, for reasons inclusive of allowing discharge of hazardous material into soils, air, groundwater, or surface waters. See attached Exhibit "F."

14. Defendant Track Line also failed to obtain any permitting from the City of Newberry for its operations and at the May 13, 2025 City Council Meeting concerning the unpermitted operations, the neighbors near the site complained of health-related issues, pollution concerns, and excessive noise and dust, all attendant to the massive stockpiling, shredding, and grinding of creosote-treated railroad ties by Defendant Track Line.⁵

⁵ <https://www.newberryfl.gov/citycouncil/page/special-commission-meeting-17>

15. Following Defendant Track Line's cessation of its operations as required by the City of Newberry and Alachua County, Defendant Track Line, without any notice to the City or County, relocated the creosote-treated railroad ties from Alachua County to the Property. Meanwhile, Alachua County in conjunction with the Florida Department of Environmental Protection - Northeast District, was left with the cleanup of the hazardous materials and debris Defendant Track Line left in Newberry, which required Alachua County, at its own cost, to remediate the site by scraping, removing and transporting approximately 6 inches of soil on portions of a 17.5-acre site in order to safely dispose of it.

16. Only a couple months later, and despite Defendant Track Line's knowledge that its operations were offensive to its neighbors, that a local government requires permitting and controls specifically zoned activities and land uses, Defendant Track Line, without so much as a call to the County or the City, unloaded several hundreds of tons of the creosote-treated railroad ties between two residential communities (Chatmire and Blue Cove), less than a mile from natural springs and the Rainbow River, and onto the Property.



17. It was only after receiving the Public Notice in mid-October (a condition of the Florida Department of Environmental Protection (FDEP) Air Pollution Construction Permit Application), that many in the City and County became aware that a non-railroad organization, Defendant Track Line, was planning on creating a similar shredding and grinding facility, that just a few months prior was shut down in the City of Newberry.

18. Due to the foregoing, both the County and City received several complaints from their citizens, and both the County and City inspected their respective portions of the Property and immediately sent notices to Defendant CSX and Defendant Track Line.

19. The County sent its notice of violation on October 24, 2025, requiring that no grinding or shredding of the railroad ties occur, that no additional railroad ties be brought onto the property, and that the stockpile of railroad ties existing be immediately removed. See attached Exhibit “G.”

20. Thereafter, residents of the Chatmire and Blue Cove communities, as well as many others, explained at the Dunnellon Special City Council meeting on October 27, 2025, that they were immediately aware of the extraordinary influx of large quantities of creosote-treated railroad ties appearing on Defendant CSX parcels as the towering piles were visible from their homes, the prolific smell was obvious when they went outdoors and the deleterious health effects from the amassed piles became instantly unbearable. The residents and citizens further

described their many concerns for the springs, the Rainbow River, the air quality and ground water negatively impacted by Defendant Track Line's actions.⁶

21. The next day, the City sent its notice of violation to Defendant CSX requiring removal of "all railroad ties from the Dunnellon city limits." See attached Exhibit "H."

22. On October 29, 2025, the City sent its comments in opposition to the Permit Application to the FDEP, attached hereto as Exhibit "I."

23. On October 30, 2025, the County sent its comments in opposition to the Permit Application to the FDEP, attached hereto as Exhibit "J."

24. Neither Defendant CSX nor Defendant Track Line responded to either the County's or City's notices nor did either of them respond to the comments in opposition to Defendant Track Line's Permit Application. Instead, additional railroad ties were brought onto the Property and none of the existing railroad ties were removed from the Property.

25. On November 6, 2025, the County sent another Notice of Continuing Violation, Notice of Additional Violation, Cease and Desist and Stop Work Order, and a first Notice Demanding Abatement of Nuisance to Defendant CSX, Defendant Florida Northern and Defendant Track Line, requiring again that no grinding or shredding of the railroad ties occur, that no additional railroad ties be brought onto the Property, and that the stockpiles of railroad ties existing on the parcels be immediately removed. This notice further advised that an injunction might be sought by the County should the junk, debris and hazardous

⁶ https://dunnellon.granicus.com/ViewPublisher.php?view_id=1 (October 27, 2025 - Special City Council Meeting)

materials not be abated on or before November 17, 2025. See attached Exhibit “K.”

26. On November 17, 2025, the Property was again inspected and while it did not appear that any additional railroad ties had been brought onto the Property, nor was any shredding or grinding activity occurring, the many hundreds of creosote-treated railroad ties remained on the Property, completely open, obvious, exposed and susceptible to heat, wind, and rain.

27. On November 18, 2025, the County sent yet another Notice of Continuing Violation, Cease and Desist and Stop Work Order, and a Second Notice Demanding Abatement of Nuisance to Defendant CSX, Defendant Florida Northern and Defendant Track Line, requiring again that no grinding or shredding of the railroad ties occur, that no additional railroad ties be brought onto the Property, and that the stockpiles of railroad ties existing on the Property be immediately removed. This notice advised that an injunction would be sought by the County should the junk, debris and hazardous materials not be removed on or before December 3, 2025. See attached Exhibit “L.”

28. On November 19, 2025, the City, having determined that the violations still existed on the Property, sent a notice of hearing to Defendant CSX that was scheduled to occur on January 13, 2026, at 9:30 AM before a Special Magistrate. See attached Exhibit “M.”

29. While Defendant Track Line persisted in failing to communicate or respond to the County, representatives for both Defendant CSX and Defendant Florida Northern assured the County that no additional railroad ties would be

brought onto the Property and no grinding or shredding of the railroad ties would occur. However, the excessive stockpiles of thousands of tons of creosote-treated railroad ties brought to the Property remained on the Property beyond both the City's and the County's compliance dates.

30. On January 13, 2026, the City went forward with its Code Enforcement hearing. Defendant CSX did not appear for the hearing, but the City's Code Enforcement Officer testified that while "some rail ties were recently removed, piles of rail ties remain at the Property." Defendant CSX was given an additional 30 days to come into compliance before the City imposed fines. See attached Exhibit "N."

31. A month prior to the City's code enforcement hearing, and in an effort to immediately alleviate the continuing violations of both the City's and the County's Codes, the County engaged in extensive negotiations with a representative from Defendant CSX concerning removal of the thousands of tons of creosote-treated railroad ties by first providing Defendant CSX the communications from Marion County's Fire Chief concerning the very dangerous hazard of the stockpiles of creosote-treated railroad ties on December 4, 2025. See attached Exhibit "O."

32. Thereafter, Defendant CSX assured the County that it would assist Defendant Track Line by providing railway cars to Defendant Track Line specifically for the immediate removal of the railroad ties out of Dunnellon and Marion County. See attached Exhibit "P."

33. Unfortunately, however, because of either delay brought about by Defendant CSX, Defendant Florida Northern, or Defendant Track Line, many of the stockpiles of creosote-treated railroad ties were not timely removed from Property.

34. In the early morning hours on Sunday, February 1, 2026, several stockpiles of creosote-treated railroad ties caught fire endangering nearby residences⁷ and businesses⁸ and causing noxious black smoke and ash to be released into the air for miles.



35. The County's fire rescue, sheriff's office and emergency management were immediately deployed as well as various and multiple agencies who later arrived on scene, inclusive of the Florida Forest Service, the Florida Department of Environmental Protection, the Florida Department of Emergency Management, the Florida Department of Health, and the Florida Department of Agriculture and Consumer Services. All agencies worked for many hours to

⁷ Blue Cove residents reported the fire of the railroad ties was approximately 30 feet from their homes.

⁸ The Comfort Suites located at 20052 Brooks Street, Dunnellon, Florida was evacuated due to the proximity of the fire.

coordinate and contain the fire on the Property of the stockpiles of creosote-treated railroad ties.

36. While it is known that many of the creosote-treated railroad ties have burned, there still remains many additional stockpiles of creosote-treated railroad ties on the Property (believed to be in excess of 40,000 railroad ties remaining), as well as potential pollutants and hazardous materials resultant of the fire and its extinguishment.

ENFORCEMENT OF COUNTY AND CITY ORDINANCES
BY TEMPORARY AND PERMANENT INJUNCTION

37. County and City reallege and incorporate the allegations of paragraphs 1 through 36, above.

38. This is an action to enforce Marion County Code of Ordinances and City of Dunnellon's Code of Ordinances pursuant to section 162.30, Florida Statutes (2025) allowing for a preliminary and permanent injunction to abate the nuisance, clear hazardous materials and remove junk and debris as provided in the City of Dunnellon Code of Ordinances, Subpart B, Chapter 99, Sec. 99-5 and the Marion County Code of Ordinances, Chapter 9, Article III, Hazardous Materials, Section 9-53, as well as Chapter 60, Florida Statutes.

39. The City of Dunnellon Code of Ordinances, Subpart B, Chapter 99, Sec. 99-5 provides as follows:

- 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.

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

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

(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.

40. Marion County Code of Ordinances, Chapter 16, Article III, Section 16-92, prohibits the accumulation of junk except for junk stored in enclosed litter receptacles or collection containers, or completely enclosed buildings. As defined in Section 16-1, "junk" includes any litter, debris, waste materials of any kind, dead or decaying vegetation or vegetative refuse, dead animals, used or unserviceable automobile and machinery parts, used and nonfunctional furniture and appliances, and used and nonfunctional tools, equipment, and implements.

41. Marion County Code of Ordinances, Chapter 9, Article III, Hazardous Materials, Section 9-47, also provides that "[n]o person or entity shall discharge or cause or permit the discharge of hazardous materials into the soil,

air, ground water or surface water in Marion County unless the discharge is in compliance with federal, state or local law.” As defined in Section 9-46, "hazardous materials" means and includes the “elements or compounds which are contained in the list of hazardous substances adopted by the United States Environmental Protection Agency (EPA) and the list of toxic pollutants defined by the United States Congress, or the EPA or defined by any other federal, state or local statutes, law, ordinance, code, rule, regulation, decree regulating, relating to, or imposing liability or standards of conduct concerning any hazardous, toxic or dangerous waste, substance, material, pollutant or contaminant.”

42. The conditions currently existing on the Property are in violation of Marion County Code of Ordinances which prohibit the accumulation of junk and debris and the discharge of hazardous materials into the soil, air, ground water, or surface waters. The County “is authorized to cleanup or abate the effects of any hazardous material unlawfully released, discharged or deposited within the county,” pursuant to Marion County Code of Ordinances, Chapter 9, Article III, Hazardous Materials, Section 9-48.

43. The conditions currently existing on the Property are also in violation of the City of Dunnellon Code of Ordinances which prohibits the existence of a public nuisance pursuant to City of Dunnellon Code of Ordinances, Subpart B, Chapter 99, Sec. 99-5 and section 823.01, Florida Statutes, as Defendants’ continued unauthorized use of the Property in the foregoing manner constitutes a danger to health and safety of the surrounding

residential communities, annoys, disturbs, and injures the surrounding residential communities and the environment, and is thereby creating a nuisance as defined therein.

44. The Defendants were previously provided, by regular and electronic delivery, with the City's and County's written notices of the violations occurring; however, the hazardous, noxious and legally prohibited conditions remain on the Property.⁹

45. The County and City therefore seek judicial authority to require Defendants to immediately abate the nuisance, clear and remediate the Property of all debris and hazardous materials, i.e., the stockpiles of intact railroad ties and any hazardous conditions remaining on the Property resultant of the railroad ties fire or the prolonged storage; or alternatively, authorize the County and City to abate the nuisance, clear and remediate the Property, and thereafter tax the incurred fees and costs of such abatement and remediation to Defendants, jointly and severally.

46. Unless the Defendants are immediately enjoined and restrained by Court Order from continued violation of the Marion County and City of Dunnellon Codes of Ordinances, the surrounding residential and business communities and environment will continue to suffer imminent, immediate, and irreparable injury.

⁹ Pursuant to section 60.05 (3), Florida Statutes, and prior to the County seeking judicial relief, Defendants were provided with written notice to remove and clear the Property on October 24, 2025 (Exhibit "G"), November 6, 2025 (Exhibit "K"), and November 18, 2025 (Exhibit "L"), without any timely response from Defendants nor timely corrective action of clearing the railroad ties from the Property.

47. Neither County nor City have an adequate remedy at law for the injuries it and its citizens have suffered and will continue to suffer if the hazardous nuisance is not immediately abated, remediated and the Defendants are not enjoined from violating the County's and City's Code of Ordinances, which were adopted so that the County and City could protect the health, safety, and welfare of its citizens including the property owners surrounding the Property.

48. The County and City have a clear legal right to the relief requested and are likely to succeed on the merits of this cause of action.

49. The granting of a preliminary and permanent injunction against Defendants does not outweigh the harm to the City and County and will not be a disservice to the public interest.

WHEREFORE, Plaintiffs, MARION COUNTY, FLORIDA, and THE CITY OF DUNNELLON, respectfully request this Honorable Court to award the following relief:

A. Declare Defendants' current use of the Property violative of the Marion County Code of Ordinances and the City of Dunnellon Code of Ordinances and enter an order requiring Defendants to immediately clear the violations, inclusive of any and all environmental remediation;

B. Issue a preliminary injunction against Defendants requiring them to remove, clear and abate the junk, debris, hazardous materials, i.e., the stockpiles of intact railroad ties and any remnants of the burned railroad ties,

that Defendants brought or caused to be brought onto the Property within fifteen (15) calendar days or some other reasonable time set by this Court;

C. Enter a permanent injunction against Defendants prohibiting any further violation of the Marion County Code of Ordinances or City of Dunnellon Code of Ordinances;

D. Issue a Final Judgment against Defendants, jointly and severally, for any fees and costs incurred by the County or City resulting from the County clearing, abating, or remediating environmental hazards existing on the Property brought about by Defendants' violations, as well as those fees and costs incurred in this instant action; and

E. Grant such other relief as this Court deems just and proper.

RESPECTFULLY SUBMITTED this ____ day of February, 2026.

MATTHEW MINTER
COUNTY ATTORNEY
Florida Bar # 298719

/s/

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City of Dunnellon
Agenda Summary Form

Meeting Date: February 2, 2026

1. Responsible Department: City Clerk
2. Presenter: Mandy Odom, City Clerk
3. Recommended Action: Consider adopting Ordinance #ORD2026-01, Special Events

Subject: Ordinance #ORD2026-01, Special Events

Request for Approval Summary Explanation & Background:

Following the assumption of law enforcement services by the Marion County Sheriff's office, staff identified areas of the Code regarding special events that require revision to clarify the role of MCSO as it pertains to special event permit review.

The staff worked closely with MCSO Lt. Moore on the ordinance revisions to ensure compatibility with their established processes and protocols. Lt. Moore suggested we review the City of Ocala's policies and procedures regarding special events which well aligns with the Sheriff's office involvement in special event activities. We found this to be very useful in drafting revisions to this section of the Code that are consistent with our neighboring city.

Other areas of concern were also addressed in the amendment to minimize the city's liability and financial exposure, ensuring that all costs and potential liability associated with special events are borne by the applicant.

The draft ordinance is under review by Attorney Hand and will be published as soon as possible.

Procurement Method: N/A

Fiscal Information: The proposed ordinance reduces fiscal costs and liability.

Attorney Review: Yes

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WHEREAS, this Ordinance is adopted pursuant to the authority granted in the City's Charter, Chapters 166, Florida Statutes, and other applicable law.

WHEREAS, the City has gained experience in administering special events and has identified areas requiring clarification and enhancement to better protect public health, safety, and welfare; and

WHEREAS, the City contracts with the Marion County Sheriff's Office for law enforcement services and desires to clarify the role of the Marion County Sheriff's Office in special event permit review and administration; and

WHEREAS, the City Council finds that these amendments are in the best interest of the citizens of Dunnellon and will promote the public health, safety, and general welfare.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE
CITY OF DUNNELLON, FLORIDA:**

SECTION 1. FINDINGS. The recitals set forth above are true and correct and are incorporated herein by this reference.

SECTION 2. VACATION AND DELETION. Chapter 11, "Special Events," Article I, "In General," of the Code of Ordinances of the City of Dunnellon, Florida, is hereby vacated and deleted in its entirety. A copy of the deleted provisions is attached hereto as Exhibit "A," shown in ~~strike~~through.

SECTION 3. READoption OF CHAPTER 11, SPECIAL EVENTS. Chapter 11, "Special Events," Article I, "In General," of the Code of Ordinances of the City of Dunnellon, Florida, is readopted as revised and set forth herein.

Section 11-1. Purpose.

It is the purpose of these regulations to establish standards for special events that protect public health, safety, and welfare, minimize city liability and financial exposure, ensure applicants bear full responsibility for event costs and impacts, and protect city property and resources.

Sec. 11-2. Exemptions.

The provisions of this chapter shall not apply to the following:

(1) City events;

(2) Funeral processions and services;

(3) Events conducted entirely on private property that do not meet the definition of "special event";

(4) Sports activities occurring at sports facilities located on city property.

Nothing in this chapter shall limit the city's ability to enter into any agreement on such terms and conditions as the city determines to be favorable for the use of city property.

Section 11-3. Definitions.

The following words, terms, and phrases, when used in this chapter, shall have the stated meanings, except where the context clearly indicates a different meaning:

Applicant means any person or organization that seeks a permit from the city to conduct a special event governed by this chapter.

Community Development Manager means the city's community development manager or their designee responsible for coordinating the special event permit review process.

Marion County Sheriff's Office (MCSO) means the law enforcement agency providing law enforcement services to the city pursuant to contract.

Right-of-Way is land which by deed, conveyance, agreement, easement, dedication, usage, or process of law is reserved for or dedicated to the general public for traveling purposes, including all roads, streets, alleys, sidewalks, trails, paths, utilities, drainage ways, shoulders, and the publicly controlled land immediately abutting and appurtenant to the traveled and drainage ways.

Special Event means an organized, temporary activity or series of temporary activities held outdoors on public property, and open to the public by advertisement or invitation, with or without charge. Any reference to "special event" in the Code other than in this chapter shall mean "special event" as defined herein.

Special Events Team means representatives from the Marion County Sheriff's Office, public works, community development, and other relevant departments designated by the city clerk to administer the provisions of this chapter.

Section 11-4. Special event criteria.

(a) All special events must be planned and conducted in accordance with the following objectives:

(1) The special event provides a unique and organized civic, cultural, educational, entertainment, or recreational activity or experience.

(2) The size, attendance, and nature of the special event are suitable for the proposed location and duration.

(3) Both vehicle and pedestrian traffic associated with the special event must be managed to accommodate expected attendance.

(4) Parking plan and requirements.

a. All special event applicants must submit a parking plan that adequately accommodates all special event staff, participants, and spectators. The parking plan must meet parking requirements according to this code and be approved prior to permit issuance.

b. The parking plan must include:

i. Total anticipated attendance;

ii. Estimated vehicle count based on reasonable occupancy ratios;

96 iii. Location and capacity of all designated parking areas, including on-
97 street parking, public lots, and private property;

98 iv. Site map showing parking areas, pedestrian routes, accessible parking
99 spaces, emergency vehicle access, and traffic flow patterns;

100 v. For any private property proposed for parking, written authorization from
101 the property owner on a form provided by the city, including verification of
102 adequate liability insurance covering the property owner;

103 vi. Accessible parking spaces complying with the Americans with
104 Disabilities Act (ADA) requirements;

105 vii. Signage plan directing attendees to parking areas;

106 viii. Alternative parking arrangements or overflow parking plan for events
107 where attendance may exceed primary parking capacity.

108 c. Minimum parking requirements:

109 i. Small events (30 persons or fewer): Parking must be provided for all
110 anticipated attendees at a ratio of one parking space per 2.5 persons, unless
111 the applicant demonstrates that a significant portion of attendees will arrive
112 by alternative means (walking, cycling, carpooling, shuttle service).

113 ii. Large events (31 persons or more): Parking must be provided at a ratio
114 of one parking space per 2.5 persons, with a minimum 20% overflow
115 capacity.

116 iii. Events with alcohol service: Parking must be provided at a ratio of one
117 parking space per 2.0 persons due to higher vehicle occupancy rates for such
118 events.

119 iv. Multi-day events: Parking calculations based on peak anticipated daily
120 attendance.

121 d. Use of private property for parking:

122 i. Private property may be used for event parking only with express written
123 permission from the property owner;

124 ii. The property owner authorization must be submitted on the city's Private
125 Property Parking Authorization Form and must include the legal description
126 or address of property; property owner's notarized signature; specific dates
127 and hours parking is authorized; maximum number of vehicles authorized;

acknowledgment that property owner has adequate liability insurance; and
contact information for property owner;

iii. The special event applicant must name the property owner as an
additional insured on the event liability insurance policy or provide
evidence that the property owner has been notified and has adequate
insurance coverage;

iv. The applicant is responsible for ensuring the private property is restored
to its original condition, including repair of any damage caused by parking
activities;

v. Property owner authorization may be revoked at any time up to 48 hours
before the event, in which case the applicant must immediately provide
alternative parking arrangements satisfactory to the city or the permit may
be revoked.

e. On-street parking restrictions:

i. The parking plan must identify any on-street parking areas to be utilized;

ii. The applicant is responsible for all costs associated with temporary
parking signage, barricades, or enforcement as required.

f. Prohibited parking areas:

i. Fire lanes, emergency access routes, and areas designated must remain
clear at all times;

ii. Parking shall not block sidewalks, pedestrian routes, or accessibility
paths;

iii. Parking shall not occur on private property without written authorization
as specified in subsection (d);

iv. Parking shall not impede access to residences or businesses.

g. Parking enforcement:

i. The applicant is responsible for managing parking and directing attendees
to designated areas;

ii. Vehicles parked in violation of posted restrictions or on unauthorized
private property may be towed at owner's expense;

158 iii. The applicant shall be liable for any damages, complaints, or
159 enforcement actions resulting from inadequate parking management.

160 (5) Adequate security, emergency medical services, and fire protection services, as
161 determined by the Marion County Sheriff's Office and fire department, must be provided
162 to protect the safety of special event staff, participants, spectators, and the public.

163 (6) All temporary structures are safe as determined by the fire department.

164 (7) Restroom facilities must be provided to accommodate expected special event
165 attendance.

166 (8) Trash must be managed and removed in a timely manner after the special event, and
167 the site must be returned to the same or better condition than before the special event.
168 Failure to properly clean the event site may result in cleanup fees and labor charges as
169 determined by the city.

170 (9) Noise must be managed to minimize the impact on neighboring residences and
171 businesses.

172 (10) Economic and other impacts to city residences and businesses must be adequately
173 considered so that the net aggregate impact of the special event on the area is positive.

174 (b) The applicant shall demonstrate the ability to successfully carry out the proposed special event,
175 including, if applicable, a past record of successful special event performances.

176 (c) The applicant shall ensure that the special event is conducted in compliance with all applicable
177 laws, ordinances, and city policies, regulations, and procedures.

178 (d) The applicant shall obtain any and all additional permits/approvals required to conduct the
179 special event or related activities as deemed necessary by the city and/or as otherwise required by
180 any entity with jurisdiction over the applicant's proposed activities or area where the special event
181 is proposed to take place.

182 **Section 11-5. Facility use and utilities.**

183 (a) Event size classifications. For purposes of this chapter, special events shall be classified as
184 follows:

185 (1) Small events: Special events with an anticipated attendance of 30 persons or fewer at
186 any given time.

187 (2) Large events: Special events with an anticipated attendance exceeding 30 persons at
188 any given time.

189 (b) Electrical service requirements for large events.

190 (1) All events shall provide their own electrical power generation through portable
191 generators, inverters, or similar self-contained power systems adequate to meet all
192 electrical needs of the event, including but not limited to sound systems, lighting, food
193 vendors, and other electrical equipment.

194 (2) Existing city electrical infrastructure at special event venues, including outlets at stages
195 and facilities, shall not be available for use.

196 (3) All electrical generation equipment must comply with applicable fire and safety codes
197 and be subject to inspection and approval.

198 (c) Restroom facilities for large events.

199 (1) All events shall provide adequate portable restroom facilities to accommodate expected
200 attendance.

201 (2) Existing city restroom facilities shall not be available for use during large events.

202 (3) The number and type of portable facilities shall be determined in accordance with
203 Florida Department of Health Administrative Code Chapter 64E-6 and subject to approval
204 by the community development manager based on anticipated attendance and event
205 duration.

206 (d) Concession stand facilities.

207 (1) City-owned concession stands and associated facilities shall be closed and unavailable
208 for use during all special events, regardless of size.

209 (e) Facility condition and restoration. All applicants shall be responsible for the condition and
210 restoration of city facilities and property as set forth in Section 11-4(a)(8). The city may assess
211 cleanup fees and labor charges for any restoration work required after an event.

212 **Sec. 11-6. Special event permits.**

213 All special events held in the city will require a special event permit.

214 **Section 11-7. Application procedures and requirements.**

215 (a) An applicant shall complete a special event permit application in the form prescribed by the
216 city.

217 (b) If the special events team determines that an applicant otherwise meets the criteria for a special
218 event permit, but additional information is needed, the applicant shall submit such additional
219 information in the form requested by the city before a permit decision is made.

(c) Each special event permit application shall be filed at least 120 days in advance of the event date in order to provide adequate notice for organizing city services. Applications that are not submitted in a timely manner may be denied unless the applicant demonstrates to the city clerk that compliance within the deadline was impractical or impossible, or the clerk determines that the delayed application will not impair the city's ability to accomplish the purposes of this chapter.

(d) If a special event involves multiple governmental jurisdictions, the applicant is required to obtain all applicable written authorizations from other jurisdictions related to the special event.

(e) Traffic control plans. If the special event requires any street closures, lane closures, parking restrictions, detours, or other traffic control measures:

(1) The applicant shall retain a qualified private traffic control company to prepare a traffic control plan.

(2) The traffic control plan must comply with the current Manual on Uniform Traffic Control Devices (MUTCD) and Florida Department of Transportation standards.

(3) The applicant shall be responsible for all costs associated with the preparation, implementation, and removal of traffic control measures.

(f) Documentation deadlines. The following documentation must be submitted to the community development manager by the dates specified:

(1) Traffic control plan: At least 60 days prior to the event date.

(2) Insurance certificates: At least 30 days prior to the event date.

(3) Generator/electrical plan (for large events): At least 30 days prior to the event date for fire department approval.

(4) Portable restroom plan (for large events): At least 30 days prior to the event date.

(5) Final site plan and layout: At least 30 days prior to the event date.

(6) City resource plan (barricades and equipment): At least 30 days prior to the event date.

Failure to submit required documentation by the specified deadlines may result in permit denial or revocation.

Section 11-8. Application processing.

(a) Determinations. The special events team shall make decisions on complete applications only. All completed applications, including required approvals and supporting documentation, shall be forwarded to the community development manager for coordination and attachment to the permit. The special events team shall determine whether to impose permit conditions and whether the

251 applicant has demonstrated that the applicable requirements are satisfied. Required approvals
252 include, but are not limited to:

- 253 (1) Marion County Sheriff's Office approval of life safety plans and crowd control plans;
254 (2) Public works department approval of equipment needs, site preparation, and restoration
255 requirements;
256 (3) Fire department approval of temporary structures, electrical systems, and fire safety
257 measures;
258 (4) Community development department approval of land use, zoning compliance, and
259 permit conditions.

260 (b) Withdrawal. An applicant may withdraw the application prior to the issuance of an approval or
261 denial. The city may consider an application withdrawn if the applicant fails to provide requested
262 information or explanation of why the information cannot be provided within 15 calendar days of
263 the request. The applicant shall pay to the city all actual costs incurred by the city as a result of the
264 withdrawal.

265 (c) Cancellation. An applicant shall notify the community development department immediately
266 once the applicant knows that a permitted special event will not occur. The applicant shall pay to
267 the city all actual costs incurred by the city as a result of the cancellation.

268 (d) Misrepresentations. If the applicant makes an intentional misrepresentation on an application,
269 such as a significant understatement of the anticipated number of participants, the applicant shall
270 pay to the city all actual costs incurred by the city as a result of the misrepresentation. This
271 provision does not apply to crowd size when adversely impacted by weather or disaster.

272 **Section 11-9. Fees, charges, and expenses.**

273 (a) Fees. A nonrefundable application fee set forth in the fee schedule, which is adopted by the
274 city from time to time by resolution, shall accompany a permit application. Prior to issuance of the
275 special event permit, the applicant shall pay all other applicable non-refundable fees as determined
276 by the city, as set forth in the fee schedule, which is adopted by the city from time to time by
277 resolution.

278 (b) City support services. City support services shall be provided for special events as determined
279 by the city to protect the health, safety, and welfare of the public. The costs of such services shall
280 be set forth in the fee schedule adopted by resolution and paid to the city by the applicant no less
281 than 30 days prior to the event.

282 (c) Police, fire, emergency medical services, traffic and crowd control.

(1) The applicant shall provide, at applicant's expense, all law enforcement, fire protection, emergency medical services, traffic control, and crowd management services required by the Marion County Sheriff's Office, fire department, and other applicable agencies having jurisdiction.

(2) The Marion County Sheriff's Office shall determine the level of law enforcement and crowd control services necessary based on the event size, nature, location, duration, and potential risks.

(3) The fire department shall determine the level of fire protection and emergency medical services necessary based on applicable fire codes, event characteristics, and life safety considerations.

(4) Traffic control requirements shall be in accordance with the Manual on Uniform Traffic Control Devices (MUTCD) and Florida Department of Transportation standards.

(5) The applicant shall contract directly with and pay directly to the Marion County Sheriff's Office, fire department, or other service providers for all required services no less than 30 days prior to the event.

(6) Failure to provide required safety services as determined by the respective agencies shall be grounds for permit denial or revocation.

(7) The city makes no determination regarding the adequacy of safety services and assumes no liability for the sufficiency or insufficiency of safety staffing levels determined by other agencies.

(d) Additional costs. In addition to the costs set forth in this section, the applicant shall pay to the city any additional actual costs incurred by the city, as supported by invoice, including but not limited to site cleanup and restoration costs.

Sec. 11-10. Insurance.

The applicant of a special event being conducted on city property must provide certificates of insurance naming the city as an additional insured for all insurance coverage required by the city at the sole discretion of the city. All such required insurance shall be issued by an insurance company authorized to do business in the state with a rating specified by the city.

Sec. 11-11. Indemnification.

The applicant of a special event being conducted on city property must agree to indemnify, defend and hold the city harmless from and against any and all claims, suits, causes of action, damages, losses and expenses incurred by the city, which are caused by the acts and/or omissions of the Applicant, or any of its employees, agents, subcontractors, representatives, volunteers, invitees, or the like. Said indemnification, defense, and hold harmless shall not be limited by any required insurance coverage amounts.

318 **Sec. 11-12. Decision on special event application.**

319 (a) Special conditions. The city's special events team may approve an application subject to
320 special permit conditions and may also determine the means necessary for complying with
321 such conditions in order to ensure that the special event objectives set forth herein are met. If
322 special conditions are imposed, the city shall notify the applicant in writing of the required
323 conditions.

324 (b) Denial. If a special event application is denied, the city shall notify the applicant in writing
325 of the action, including:

326 (1) The grounds for denial.

327 (2) An explanation of the applicant's right to appeal the action.

328 (3) An explanation of the right to resubmit the application, the total amount of fees to be
329 assessed if the application is resubmitted and the calculation of such fees.

330 **Section 11-13. Permit revocation.**

331 (a) A permit may be revoked by the Marion County Sheriff's Office or their designee for any of
332 the following reasons:

333 (1) Failure to conduct the special event as presented on the application.

334 (2) Failure to comply with terms and conditions of the permit.

335 (3) Failure to adequately pay the billed fees by the city in a timely manner.

336 (4) The special event poses a threat to public health, safety, or welfare.

337 (5) State of emergency declared by the city or another governmental entity.

338 (b) If a special event permit is revoked, the city shall notify the applicant in writing of the action,
339 including:

340 (1) Grounds for revocation.

341 (2) Explanation of the right to appeal the permit revocation except in the event of a declared
342 state of emergency.

343 **Sec. 11-14. Appeal of denial, special condition or revocation.**

344 (a) If a special event permit has been denied or revoked, or special conditions imposed, by the
345 city, an applicant may appeal the denial, revocation or special conditions to city council as
346 follows:

347 (1) The appeal must be filed with the community development department within ten
348 calendar days from the date of the initial decision.

(2) The appeal shall include the specific reasons for the appeal and any supporting documentation.

(2) City council shall hear the appeal at the next regular city council meeting that is scheduled to be held on a date that falls at least ten days after the city's receipt of the appeal.

(3) After considering the appeal, city council may uphold, reverse or modify a permitting-related decision. The decision of city council is final.

Section 11-15. Termination of special event.

The Marion County Sheriff's Office or designee may terminate a special event whether permitted or unpermitted and disperse participants and spectators as deemed necessary due to breach of peace or any violation of law, including, but not limited to violations of this chapter.

Sec. 11-16. Unauthorized acts.

It shall be a violation of this chapter for any person to:

(1) Hold a special event that requires a permit under this chapter without obtaining the approved permit.

(2) Fail to conduct the special event as presented on the application.

(3) Hold a special event that violates the terms and conditions of the special event permit.

(4) Hold a special event that violates the law, including, but not limited to, laws relating to traffic regulations, disturbing the peace, public nuisance, unlawful assembly, and/or trespass.

Sec. 11-17. Administration and implementation.

(a) The city clerk shall be responsible for administering and implementing this chapter and may designate city employees as deemed necessary in order to facilitate administration of this chapter.

(b) The city council may develop reasonable policies to implement this chapter.

Sec. 11-18. Animals at public events.

Animals shall be permitted at public events, at the discretion of the applicant. Animals providing a service to a person with a disability as defined by the Americans with Disabilities Act and Florida law (service animals) may not be excluded from any public event. The following shall apply to all animals (including service animals) attending public events:

(1) Animals must be leashed at all times, except for service animals if the disability of the owner/handler does not allow for the animal to provide effective assistance when leashed.

(2) Animals must be trained so that, absent illness, the animal controls its waste elimination.

(3) Animals must be maintained in compliance with the city's animal control and public health ordinances.

(4) The owner/handler of an animal will be responsible for any injury, damage, or destruction caused by the animal.

(5) An animal may be excluded from a public event if the animal's behavior poses a direct threat to the health, safety, or welfare of others.

(6) Providing false information about or misrepresenting the status of a service animal is punishable as a second-degree misdemeanor under Florida law.

SECTION 4. SEVERABILITY. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

SECTION 5. CONFLICTS. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 6. CODIFICATION. The provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Dunnellon, Florida. The sections of this Ordinance may be renumbered or re-lettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

SECTION 7. EFFECTIVE DATE. This Ordinance shall take effect immediately upon its adoption.

Upon motion duly made and carried, the foregoing ordinance was adopted on the first reading on the 11th day of February 2026.

Upon motion duly made and carried, the foregoing ordinance was adopted on the second and final reading and public hearing on the 11th day of March 2026.

Ordinance Posted on the City's website on February 4, 2026. Public hearing advertised on the City's website on February 23, 2026 and advertised in the Riverland News on February 27, 2026.

Walter L. Green, Mayor

Attest:

Amanda L. Odom, CMC
City Clerk

Approved as to Form:

Andrew J. Hand, City Attorney

CERTIFICATE OF POSTING

I HEREBY CERTIFY that copies of the foregoing Ordinance were posted at City Hall, the Chamber of Commerce, and Dunnellon Library, in the City of Dunnellon, Florida, and on the City's Official Website this 4th day of February 2026.

Amanda L. Odom, CMC
City Clerk

Exhibit “A”

ARTICLE I. IN GENERAL

Sec. 11-1. Purpose.

Special events are an integral part of tourism, economic development, and a sense of community in the city. As such, it is the purpose of these regulations to promote success, manage impacts, and protect the public health, safety, and welfare at special events held in Dunnellon.

Sec. 11-2. Exemptions.

The provisions of this chapter shall not apply to the following:

- (1) — City events;
- (2) — Funeral processions and services;
- (3) — Events conducted entirely on private property that do not meet the definition of "special event";
- (4) — Sports activities occurring at sports facilities located on city property.

Nothing in this chapter shall limit the city's ability to enter into any agreement on such terms and conditions as the city determines to be favorable for the use of city property.

Sec. 11-3. Definitions.

The following words, terms, and phrases, when used in this chapter, shall have the stated meanings, except where the context clearly indicates a different meaning:

Applicant means any person or organization that seeks a permit from the city to conduct a special event governed by this chapter.

Right of way is land which by deed, conveyance, agreement, easement, dedication, usage, or process of law is reserved for or dedicated to the general public for traveling purposes, including all roads, streets, alleys, sidewalks, trails, paths, utilities, drainage ways, shoulders, and the publicly controlled land immediately abutting and appurtenant to the traveled and drainage ways.

Special event means an organized, temporary activity or series of temporary activities held outdoors on public property, and open to the public by advertisement or invitation, with or without charge. Any reference to "special event" in the Code other than in this chapter shall mean "special event" as defined herein.

Special events team means representatives from police, public works, and other relevant departments designated by the city clerk to administer the provisions of this chapter.

Sec. 11-4. Special event criteria.

- (a) — All special events must be planned and conducted in accordance with the following objectives:
 - (1) — The special event provides a unique and organized civic, cultural, educational, entertainment, or recreational activity or experience.
 - (2) — The size, attendance, and nature of the special event are suitable for the proposed location and duration.
 - (3) — Both vehicle and pedestrian traffic associated with the special event must be managed to accommodate expected attendance.
 - (4) — If deemed necessary by the city, a parking plan shall be provided to accommodate special event staff, participants, and spectators.

- (5) Adequate security, emergency medical services, and fire protection services, as determined by the chief of police and fire chief, must be provided to protect the safety of special event staff, participants, spectators, and the public.
- (6) All temporary structures are safe as determined by the fire department.
- (7) Restroom facilities must be provided to accommodate expected special event attendance.
- (8) Trash must be managed and removed in a timely manner after the special event, and the site must be returned to the same or better condition than before the special event.
- (9) Noise must be managed to minimize the impact on neighboring residences and businesses.
- (10) Economic and other impacts to city residences and businesses must be adequately considered so that the net aggregate impact of the special event on the area is positive.
- (b) The applicant shall demonstrate the ability to successfully carry out the proposed special event, including, if applicable, a past record of successful special event performances.
- (c) The applicant shall ensure that the special event is conducted in compliance with all applicable laws, ordinances, and city policies, regulations, and procedures.
- (d) The applicant shall obtain any and all additional permits/approvals required to conduct the special event or related activities as deemed necessary by the city and/or as otherwise required by any entity with jurisdiction over the applicant's proposed activities or area where the special event is proposed to take place.

~~Sec. 11-5. Special event permits.~~

All special events held in the city will require a special event permit.

~~Sec. 11-6. Application procedures and requirements.~~

- (a) An applicant shall complete a special event permit application in the form prescribed by the city.
- (b) If the special events team determines that an applicant otherwise meets the criteria for a special event permit, but additional information is needed, the applicant shall submit such additional information in the form requested by the city before a permit decision is made.
- (c) Each special event permit application shall be filed at least 120 days in advance of the event date in order to provide adequate notice for organizing city services. Applications that are not submitted in a timely manner may be denied unless the applicant demonstrates to the city clerk that compliance within the deadline was impractical or impossible, or the clerk determines that the delayed application will not impair the city's ability to accomplish the purposes of this chapter.
- (d) If a special event involves multiple governmental jurisdictions, the applicant is required to obtain all applicable written authorizations from other jurisdictions related to the special event.

~~Sec. 11-7. Application processing.~~

- (a) *Determinations.* The special events team shall make decisions on completed applications only. They shall determine whether to impose permit conditions and whether the applicant has demonstrated that the applicable requirements are satisfied.
- (b) *Withdrawal.* An applicant may withdraw the application prior to the issuance of an approval or denial. The city may consider an application withdrawn if the applicant fails to provide requested information or explanation of why the information cannot be provided within 15 calendar days of the request. The applicant shall pay to the city all actual costs incurred by the city as a result of the withdrawal.

- (c) ~~*Cancellation.*~~ An applicant shall notify the community development department immediately once the applicant knows that a permitted special event will not occur. The applicant shall pay to the city all actual costs incurred by the city as a result of the cancellation.
- (d) ~~*Misrepresentations.*~~ If the applicant makes an intentional misrepresentation on an application, such as a significant understatement of the anticipated number of participants, the applicant shall pay to the city all actual costs incurred by the city as a result of the misrepresentation. This provision does not apply to crowd size when adversely impacted by weather or disaster.

~~Sec. 11-8. Fees, charges, and expenses.~~

- (a) ~~*Fees.*~~ A nonrefundable application fee set forth in the fee schedule, which is adopted by the city from time to time by resolution, shall accompany a permit application. Prior to issuance of the special event permit, the applicant shall pay all other applicable non-refundable fees as determined by the city, as set forth in the fee schedule, which is adopted by the city from time to time by resolution.
- (b) ~~*City support services.*~~ City support services shall be provided for special events as determined by the city to protect the health and safety and welfare of the public. The costs of such services shall be set forth in the fee schedule adopted by resolution and paid to the city by the applicant no less than 30 days prior to the event.
- (c) ~~*Police, fire, emergency medical services, traffic and crowd control.*~~ Police, fire protection, emergency medical services, and traffic and crowd control, to the extent determined necessary by the city, shall be provided at applicant's expense. The cost of such services shall be set forth in the fee schedule adopted by resolution and paid to the city by the applicant no less than 30 days prior to the event.
- (d) ~~*Additional costs.*~~ In addition to the costs set forth in this section, the applicant shall pay to the city any additional actual costs incurred by the city, as supported by invoice.

~~Sec. 11-9. Insurance.~~

The applicant of a special event being conducted on city property must provide certificates of insurance naming the city as an additional insured for all insurance coverage required by the city at the sole discretion of the city. All such required insurance shall be issued by an insurance company authorized to do business in the state with a rating specified by the city.

~~Sec. 11-10. Indemnification.~~

The applicant of a special event being conducted on city property must agree to indemnify, defend and hold the city harmless from and against any and all claims, suits, causes of action, damages, losses and expenses incurred by the city, which are caused by the acts and/or omissions of the Applicant, or any of its employees, agents, subcontractors, representatives, volunteers, invitees, or the like. Said indemnification, defense, and hold harmless shall not be limited by any required insurance coverage amounts.

~~Sec. 11-11. Decision on special event application.~~

- (a) ~~*Special conditions.*~~ The city's special events team may approve an application subject to special permit conditions and may also determine the means necessary for complying with such conditions in order to ensure that the special event objectives set forth herein are met. If special conditions are imposed, the city shall notify the applicant in writing of the required conditions.
- (b) ~~*Denial.*~~ If a special event application is denied, the city shall notify the applicant in writing of the action, including:
 - (1) ~~The grounds for denial.~~
 - (2) ~~An explanation of the applicant's right to appeal the action.~~

- (3) — An explanation of the right to resubmit the application, the total amount of fees to be assessed if the application is resubmitted and the calculation of such fees.

~~Sec. 11-12. Permit revocation.~~

- (a) — A permit may be revoked by the chief of police for any of the following reasons:
 - (1) — Failure to conduct the special event as presented on the application.
 - (2) — Failure to comply with terms and conditions of the permit.
 - (3) — Failure to adequately pay the billed fees by the city in a timely manner.
 - (4) — The special event poses a threat to public health, safety, or welfare.
 - (5) — State of emergency declared by the city or another governmental entity.
- (b) — If a special event permit is revoked, the city shall notify the applicant in writing of the action, including:
 - (1) — Grounds for revocation.
 - (2) — Explanation of the right to appeal the permit revocation except in the event of a declared state of emergency.

~~Sec. 11-13. Appeal of denial, special condition or revocation.~~

- (a) — If a special event permit has been denied or revoked, or special conditions imposed, by the city, an applicant may appeal the denial, revocation or special conditions to city council as follows:
 - (1) — The appeal must be filed with the community development department within ten calendar days from the date of the initial decision.
 - (2) — The appeal shall include the specific reasons for the appeal and any supporting documentation.
- (2) — City council shall hear the appeal at the next regular city council meeting that is scheduled to be held on a date that falls at least ten days after the city's receipt of the appeal.
- (3) — After considering the appeal, city council may uphold, reverse or modify a permitting related decision. The decision of city council is final.

~~Sec. 11-14. Termination of special event.~~

The chief of police or designee may terminate a special event whether permitted or unpermitted and disperse participants and spectators as deemed necessary due to breach of peace or any violation of law, including, but not limited to violations of this chapter.

~~Sec. 11-15. Unauthorized acts.~~

It shall be a violation of this chapter for any person to:

- (1) — Hold a special event that requires a permit under this chapter without obtaining the approved permit.
- (2) — Fail to conduct the special event as presented on the application.
- (3) — Hold a special event that violates the terms and conditions of the special event permit.
- (4) — Hold a special event that violates the law, including, but not limited to, laws relating to traffic regulations, disturbing the peace, public nuisance, unlawful assembly, and/or trespass.

~~Sec. 11-16. Administration and implementation.~~

- ~~(a) The city clerk shall be responsible for administering and implementing this chapter and may designate city employees as deemed necessary in order to facilitate administration of this chapter.~~
- ~~(b) The city council may develop reasonable policies to implement this chapter.~~

~~Sec. 11-17. Animals at public events.~~

~~Animals shall be permitted at public events, at the discretion of the applicant. Animals providing a service to a person with a disability as defined by the Americans with Disabilities Act and Florida law (service animals) may not be excluded from any public event. The following shall apply to all animals (including service animals) attending public events:~~

- ~~(1) Animals must be leashed at all times, except for service animals if the disability of the owner/handler does not allow for the animal to provide effective assistance when leashed.~~
- ~~(2) Animals must be trained so that, absent illness, the animal controls its waste elimination.~~
- ~~(3) Animals must be maintained in compliance with the city's animal control and public health ordinances.~~
- ~~(4) The owner/handler of an animal will be responsible for any injury, damage, or destruction caused by the animal.~~
- ~~(5) An animal may be excluded from a public event if the animal's behavior poses a direct threat to the health, safety, or welfare of others.~~
- ~~(6) Providing false information about or misrepresenting the status of a service animal is punishable as a second-degree misdemeanor under Florida law.~~



Business Impact Estimate

This form should be included in the agenda packet for the item under which the proposed ordinance is to be considered and must be posted on the City of Dunnellon's website by the time notice of the proposed ordinance is published.

ORDINANCE #ORD2026-01

AN ORDINANCE OF THE CITY OF DUNNELLOH, FLORIDA, AMENDING CHAPTER 11, "SPECIAL EVENTS," ARTICLE I, "IN GENERAL," TO REVISE REGULATIONS GOVERNING SPECIAL EVENTS; AMENDING SECTION 11-1 TO CLARIFY THE PURPOSE; AMENDING SECTION 11-3 TO ADD AND REVISE DEFINITIONS; AMENDING SECTION 11-4 TO EXPAND SPECIAL EVENT CRITERIA INCLUDING DETAILED PARKING PLAN REQUIREMENTS; CREATING SECTION 11-4.5 TO ESTABLISH FACILITY USE AND UTILITIES REQUIREMENTS; AMENDING SECTION 11-6 TO ADD TRAFFIC CONTROL PLAN REQUIREMENTS AND DOCUMENTATION DEADLINES; AMENDING SECTION 11-7 TO SPECIFY REQUIRED APPROVALS; AMENDING SECTION 11-8 TO CLARIFY RESPONSIBILITIES FOR PUBLIC SAFETY SERVICES; AMENDING SECTION 11-12 TO UPDATE PERMIT REVOCATION AUTHORITY; AMENDING SECTION 11-14 TO UPDATE AUTHORITY TO TERMINATE SPECIAL EVENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

This Business Impact Estimate is provided in accordance with section 166.041(4), Florida Statutes. If one or more boxes are checked below, this means the City is of the view that a business impact estimate is not required by state law¹ for the proposed ordinance, but the City is, nevertheless, providing this Business Impact Estimate as a courtesy and to avoid any procedural issues that could impact the enactment of the proposed ordinance. This Business Impact Estimate may be revised following its initial posting.

- ☐ The proposed ordinance is required for compliance with Federal or State law or regulation;
- ☐ The proposed ordinance relates to the issuance or refinancing of debt;
- ☐ The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;

¹ See Section 166.041(4)(c), Florida Statutes.

- ☐ The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;
- ☐ The proposed ordinance is an emergency ordinance;
- ☐ The ordinance relates to procurement; or
- ☐ The proposed ordinance is enacted to implement the following:
 - a. Development orders and development permits, as those terms are defined in s. 163.3164, and development agreements, as authorized by the Florida Local Government Development Agreement Act under ss. 163.3220-163.3243;
 - b. Comprehensive plan amendments and land development regulation amendments initiated by an application by a private party other than the municipality;
 - c. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;
 - d. Section 553.73, Florida Statutes, relating to the Florida Building Code; or
 - e. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

In accordance with the provisions of controlling law, the City hereby publishes the following information:

1. Summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals, and welfare):

In the best interests of the public's health, safety, and welfare, this ordinance amends the City's special events regulations to establish comprehensive requirements that protect public health, safety, and welfare while minimizing municipal liability and financial exposure. The amendments clarify applicant responsibilities for event costs and impacts, establish detailed parking plan requirements, create facility use and utility standards for large events, specify traffic control plan requirements, and clarify the roles of the Marion County Sheriff's Office and other agencies in special event administration. These amendments are necessary to protect city property and resources, ensure adequate public safety services, and promote successful special events that benefit the community while reducing risks to the City and its residents.

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the City, if any:

(a) An estimate of direct compliance costs that businesses may reasonably incur;

For private, for-profit businesses in the City that are not involved in organizing or hosting special events, no direct compliance costs are anticipated. For businesses or organizations that organize special events on city property, the ordinance clarifies and formalizes existing requirements rather than creating entirely new obligations. Anticipated compliance costs for special event organizers include:

Preparation of parking plans and traffic control plans (if applicable), which may require engaging professional consultants.

Rental of portable generators, restroom facilities, and other equipment for large events (exceeding 30 attendees);

Direct payment to the Marion County Sheriff's Office and fire department for required public safety services.

Potential costs for private property parking authorizations and associated liability insurance requirements.

Increased documentation and earlier submission deadlines (60 days for traffic control plans, 30 days for various other items).

Many of these requirements existed under the previous ordinance but are now more explicitly defined. The primary new costs relate to prohibiting use of city electrical infrastructure and restroom facilities for large events, requiring event organizers to provide their own resources.

(b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible; and

The ordinance does not create new permit application fees or city charges. However, it clarifies that applicants must directly contract with and pay the Marion County Sheriff's Office, fire department, and other service providers for required public safety services. The ordinance also authorizes the City to assess cleanup fees and labor charges if event sites are not properly restored. Specific fee amounts will continue to be established by resolution in the City's fee schedule.

(c) An estimate of the City's regulatory costs, including estimated revenues from any new charges or fees to cover such costs.

The ordinance is expected to reduce the City's direct regulatory costs by shifting responsibility for public safety services, utilities, facilities, and site restoration to event applicants. The City will continue to incur administrative costs for permit review and coordination, which are recovered through existing application fees. By requiring applicants to provide their own generators, portable restrooms, and other resources, the City avoids wear and tear on city infrastructure and reduces maintenance and utility costs. The ordinance also authorizes cost recovery for any city expenses through invoicing, ensuring that special events do not create unfunded burdens on city resources.

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:

The ordinance directly impacts organizations and businesses that organize special events on city property. Based on recent experience, the City anticipates approximately 3-10 special events per year that would be subject to these requirements. The amendments may indirectly benefit local businesses that provide event-related services such as portable restroom rentals, generator rentals, traffic control services, security services, and parking management. Local

businesses and residents near event venues may benefit from improved parking management, traffic control, and noise mitigation requirements. Overall, the number of directly impacted businesses is minimal, as most special events in Dunnellon are organized by nonprofit organizations, community groups, or the City itself (which is exempt from the ordinance).

4. Additional information the governing body deems useful (if any):

This ordinance reflects input from the Marion County Sheriff's Office and the Marion County Fire Department (which provides fire services to Dunnellon) to address practical challenges encountered in administering special events under the current ordinance. Key policy objectives include:

- Protecting city property and infrastructure by prohibiting use of city electrical and restroom facilities for large events;

- Reducing city liability exposure by clarifying that applicants are fully responsible for event costs, impacts, and safety services;

- Ensuring adequate parking through detailed parking plan requirements that address both public and private property;

- Establishing clear authority for the Marion County Sheriff's Office to determine necessary law enforcement and crowd control services;

- Creating enforceable deadlines for submission of required documentation to allow proper planning and coordination;

- Clarifying that the City makes no determination regarding the adequacy of safety services and assumes no liability for staffing levels determined by other agencies.

The ordinance maintains the existing 120-day advance application requirement and preserves the City Council's authority to hear appeals. City-sponsored events and events on private property remain exempt. The amendments are intended to promote successful special events that benefit the community while ensuring that event organizers bear appropriate responsibility for the costs and impacts of their activities.

City of Dunnellon
Agenda Summary Form

Meeting Date: March 11, 2026

1. Responsible Department: Community Development
2. Presenter: Wil Ary
3. Recommended Action: Waive Section 6-4 of the City Code, Possession or consumption on Public Property or on Private Property Without Permission, During the Hours of 9:00 a.m. to 5:00 p.m. on April 11, 2026, for the 2025 Boomtown Days Event, Restricted to the Areas Shown on the Map Submitted with Permit Application 2026-0042

Subject: Boomtown Days Alcohol Waiver

Request for Approval Summary Explanation & Background:

In accordance with Code Section 6.8 Waivers for Festival Events, Boomtown Day event organizers are requesting a waiver of Code Section 6-4 to allow the sale and consumption of alcoholic beverages during the event on April 11, 2026, 9 a.m. – 5 p.m. within the barricaded areas as shown on the map to be provided at the workshop.

The event organizers(s) must also seek City Council permission which is then presented to the State Division of Alcoholic Beverages & Tobacco for permit authorization of sale and consumption of beer and wine.

Sec. 6-8. - Waivers for festival events.

- (a) Upon request by organizers of any city-approved festival, ceremony, or celebration, the city council may waive specific sections of the restrictions and prohibitions of this chapter.
- (b) The waiver shall set forth the specific sections of this chapter being waived, the location, time and other restrictions established by the city in its sole discretion deemed necessary to promote and protect the health, safety and welfare of the public.
- (c) Any restrictions imposed by the city council shall be strictly enforced and are a precondition to such waiver. Failure to adhere to the restrictions shall vitiate the waiver and all persons violating such restrictions shall be considered in violation of this Chapter.
- (d) There shall be no waiver of sections 6-5 and 6-7.

Sec. 6-4. - Possession or consumption on public property or on private property without permission.

- (a) It shall be unlawful for any person to consume or to have in his possession any alcoholic beverage in a publicly owned park or recreation area or on any public-school property within the city.
- (b) It shall be unlawful for any person to consume or have in his possession any alcoholic beverage in an open container on any public street, thoroughfare, sidewalk, or alley or on any publicly owned, operated, leased or controlled public recreation area or other facility, including parking areas, within the city, nor shall any person except the owner or person placed in charge by the owner consume or have in his possession any alcoholic beverages in an open container on any private property, unless such person is a lawful guest and has the consent of the owner or person in charge of the private property.

Procurement Method: N/A

Fiscal Information: N/A

Attorney Review: N/A