

CODE ENFORCEMENT

BOARD



Crossroads of Flagler County

BOARD MEMBERS

**JOY ALLEN
JULIE AGUIAR
DELORIES HALL
KENNETH GORDON**

CODE ENFORCEMENT BOARD AGENDA

Wednesday, April 12, 2023 at 6:00 PM

1769 E. Moody Blvd. (GSB), First Floor Conference Room, Bunnell, FL 32110

- 1. Call Meeting to Order and Pledge Allegiance to the Flag.**
- 2. Roll Call and determination of Quorum.**
- 3. Disclosure of Ex-Parte communications.**
- 4. Annual Board Elections**
 - 4.1. Annual Election of the Code Enforcement Board Chair and Vice-Chair.**
- 5. Approval of Minutes:**
 - a. February 8, 2023 Code Enforcement Minutes**
- 6. Swearing in of witnesses.**

Old Business:

- 7. Case Number 22-014 City of Bunnell vs. Ella Chageyeva**

3295 Steel Rail Drive

This is a violation of the following City Codes:

Bunnell Land Development Code, Sec. 34-120, L-1 Light Industrial District.

Bunnell Land Development Code, Sec. 34-120(c)(1), Tractor Trailer Storage Yards.

Bunnell Land Development Code, Sec. 34-120(c)(2), Junkyards or Automotive Wrecking or Salvage Yards

Bunnell Land Development Code, Sec. 22-4(d) Any development or use requiring special exception approval.

Bunnell Land Development Code, Sec. 22-9, Major Site Plan Submittal Requirements.

Bunnell Land Development Code, Sec. 26-56, Storing, Parking or Leaving Dismantled Or Other Such Motor Vehicle Or Other Such Motor Vehicle Or Boat Prohibited And Declared Nuisance, Exceptions.

Bunnell Land Development Code, Sec. 58-36, Levying of tax.

Bunnell Land Development Code, Sec. 58-47, Doing Business Without, Or Under A Fraudulently Obtained Local Business Tax Receipt.

Bunnell Land Development Code, Sec. 70-1, Removal of Certain Plants, Weeds, Trash and Litter; Duty Of Owner; Service Of Notice.

NTA:3/15/2023

8. Case Number 22-015 City of Bunnell vs. Armando Toyos & Nairobi Rodriguez

3330 Steel Rail Drive

This is a violation of the following City Codes:

Bunnell Land Development Code, Sec. 34-120, L-1 Light Industrial District.

Bunnell Land Development Code, Sec. 34-120(c)(1), Tractor Trailer Storage Yards.

Bunnell Land Development Code, Sec. 34-120(c)(2), Junkyards or Automotive Wrecking or Salvage Yards

Bunnell Land Development Code, Sec. 22-4(d) Any development or use requiring special exception approval.

Bunnell Land Development Code, Sec. 22-9, Major Site Plan Submittal Requirements.

Bunnell Land Development Code, Sec. 26-56, Storing, Parking or Leaving Dismantled Or Other Such Motor Vehicle Or Other Such Motor Vehicle Or Boat Prohibited And Declared Nuisance, Exceptions.

Bunnell Land Development Code, Sec. 58-36, Levying of tax.

Bunnell Land Development Code, Sec. 58-47, Doing Business Without, Or Under A Fraudulently Obtained Local Business Tax Receipt.

Bunnell Land Development Code, Sec. 70-1, Removal of Certain Plants, Weeds, Trash and Litter; Duty Of Owner; Service Of Notice.

NTA:3/15/2023

9. Case Number 22-016 City of Bunnell vs. Abama Mama, LLC

3220 Steel Rail Drive

This is a violation of the following City Codes:

Bunnell Land Development Code, Sec. 34-120, L-1 Light Industrial District.

Bunnell Land Development Code, Sec. 34-120(c)(1), Tractor Trailer Storage Yards.

Bunnell Land Development Code, Sec. 34-120(c)(2), Junkyards or Automotive Wrecking or Salvage Yards

Bunnell Land Development Code, Sec. 22-4(d) Any development or use requiring special exception approval.

Bunnell Land Development Code, Sec. 22-9, Major Site Plan Submittal Requirements.

Bunnell Land Development Code, Sec. 26-56, Storing, Parking or Leaving Dismantled Or Other Such Motor Vehicle Or Other Such Motor Vehicle Or Boat Prohibited And Declared Nuisance, Exceptions.

Bunnell Land Development Code, Sec. 58-36, Levying of tax.

Bunnell Land Development Code, Sec. 58-47, Doing Business Without, Or Under A Fraudulently Obtained Local Business Tax Receipt.

Bunnell Land Development Code, Sec. 70-1, Removal of Certain Plants, Weeds, Trash and Litter; Duty Of Owner; Service Of Notice.
NTA:3/15/2023

10. Case Number 22-025 City of Bunnell vs. Mattie Hall Estate C/O Elijah - Isaiah X

812 Marion Street

This is a violation of the following City Codes:

Bunnell Land Development Code Sec. 66-1. – Connection to city water, sewer and reclaim system.

Code of Ordinance Sec. 26-108. - Dangerous buildings.

NTA:3/15/2023

New Business:

11. Case Number 23-004 City of Bunnell vs. Palm Coast Flagler Beach Realty

2729 E. Moody Blvd.

This is a violation of the following City Codes:

Section 205.053 Business tax receipts; dates due and delinquent; penalties.

Sec. 58-39. - Business tax receipts; dates due and delinquent, notices; penalties.

NTA:3/15/2023

12. Case Number 23-005 City of Bunnell vs. William Rodriguez

317 Grand Reserve Drive

This is a violation of the following City Codes:

Section 205.053 Business tax receipts; dates due and delinquent; penalties.

Sec. 58-39. - Business tax receipts; dates due and delinquent, notices; penalties.

NTA:3/15/2023

13. Announcements

14. Next Scheduled Meeting: June 14, 2023

15. Adjournment of Code Enforcement Board

This Agenda is subject to change. Please see posted copy on the City of Bunnell website www.bunnellcity.us

NOTICE: IF ANY PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE CITY COMMISSION OR ANY OF ITS BOARDS, WITH RESPECT TO ANY MATTER CONSIDERED AT ANY MEETING OF SUCH BOARDS OR COMMISSION, HE OR SHE MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDING IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS BASED. 286.0105, FLORIDA STATUTES. ANY PERSON REQUIRING A SPECIAL ACCOMMODATION AT THIS MEETING BECAUSE OF DISABILITY OR PHYSICAL IMPAIRMENT SHOULD CONTACT CITY HALL AT 386.437.7500.



City of Bunnell, Florida

Agenda Item No. 4.1.

Code Excepts: The Code Enforcement Board is required to appoint the Chair and Vice-Chair annually. These elections occur in April.

Code of Ordinance Sec. 2-131. - Created; organization.

(e) At the first meeting of the enforcement board, the members shall elect a chairperson and a vice-chairperson. The chairperson and vice-chairperson shall serve a one year term, but may be re-elected for additional terms at the discretion of the enforcement board. The chairperson shall preside [at] all meetings and shall direct the business affairs of the enforcement board, subject to the directions of the enforcement board. The vice-chairperson shall act in the absence of the chairperson in the conduct of meetings or otherwise and shall perform such duties as may be delegated to him/her by the chairperson from time to time. In acting in the chairperson's absence, the vice-chairperson shall have all the powers of and be subject to all restrictions upon, the chairperson. The election of the chairperson and vice-chairperson shall occur during the month of the one year anniversary of the enforcement board's first meeting and each subsequent yearly anniversary thereafter.

Case Actions Information: The current members of the Code Enforcement Board need to elect members to serve as the Chair and Vice-Chair for the next 12 months. Any current member of the Code Enforcement Board is eligible to serve as the Chair or Vice-Chair.

The current Chair is Joy Allen. The current Vice-Chair is Julie Aguiar. Both may serve additional terms.

The Board Members need to nominate a current member of the Board to serve as the Chair and Vice Chair for the next 12 months. A vote on each nomination should be conducted so there is a motion and vote for Chair and a motion and vote for Vice-Chair.

Staff Recommendation: None. This is a decision made from within the Board.



City of Bunnell, Florida

Agenda Item No. a.

ATTACHMENTS:

Description

February 8, 2023 Code Enforcement Minutes

Type

Minutes



CODE ENFORCEMENT BOARD MINUTES
Wednesday, February 8, 2023 at 6:00 PM
1769 E. Moody Blvd. (GSB), First Floor Conference Room,
Bunnell, FL 32110

1. **Call Meeting to Order and Pledge Allegiance to the Flag.**
Chair Allen called the meeting to order at 6:00 PM and led the Pledge to the Flag.
2. **Roll Call and determination of Quorum.**
Present: Joy Allen, Chair; Julie Aguiar, Co-Chair; Kenneth Gordon; Delories Hall
Non-Voting: Board Attorney John Pacucci; Code Enforcement Officer Gary Harris; City Attorney Paul Waters; Community Development Director Bernadette Fisher; Community Development Coordinator Christine Hancock
3. **Disclosure of Ex-Parte communications.**
None
4. **Approval of Minutes:**
 - a. **December 14, 2022 Code Enforcement Board Minutes**
Motion: Approve the December 14, 2022, Code Enforcement Board Meeting minutes
Moved by: Kenneth Gordon
Seconded by: Delories Hall
Board Discussion: None
Public Discussion: None
Vote: Motion carried unanimously
5. **Swearing in of witnesses.**
Board Attorney Cino swore in the following witnesses:
 - Code Enforcement Officer Harris
 - Andrea Barnes, representing Elijah Isaiah
 - Community Development Director Bernadette Fisher

Old Business:

6. **Case Number 22-025 City of Bunnell vs. Mattie Hall Estate C/O Elijah - Isaiah X**
Code Enforcement Officer Harris introduced the case and provided testimony. The respondent was not present; however, his legal representation Andrea Burns was present on the respondent's behalf.

Code Enforcement Officer Harris testified Mr. Elijah Isaiah is the legal owner of the property and has been paying the property taxes. Additional testimony from Code Enforcement Officer Harris included there are or may be "squatters" living in the house and the respondent is in the process if trying to get the house demolished but needs to follow through with taking legal action to evict the "squatters."

Staff recommended the Code Enforcement Board find the property in violation of the City of Bunnell Codes cited and continue the case to allow the property owner time to follow through with legal eviction proceedings.

Motion: Find the property non-compliant and continue the case to the next scheduled meeting of the Code Enforcement Board.

Moved by: Julie Aguiar

Seconded by: Delories Hall

Vote: Motion carried unanimously

New Business:

7. Case Number 23-001 City of Bunnell vs. Joseph Parsons

Code Enforcement Officer Harris introduced the case and provided testimony. The respondent Joseph Parsons was not present; the respondent was sent a certified notice which returned to the City. Staff recommended the property be found non-compliance and a one-time fee of \$100.00 be imposed if the violation is not corrected.

Chair Allen stated Mr. Parsons is a snowbird who lives up north and a rental company manages the property. Chair Allen also stated the tenant, Linda Edwards, has been before the Code Enforcement Board several times but usually comes into compliance within a week of a scheduled hearing; the property is an eye sore and the tenant's dog has gotten out of the yard and bit at least one person. The Board advised the property management company should be contacted about the violations.

Motion: Find the property non-compliant and impose a fine of \$50 dollars per day.

Moved by: Delories Hall

Seconded by:

Vote: Motion died for lack of a 2nd

Motion: Find the property non-compliant and impose a fine of \$15 dollars per day until the property is brought into compliance.

Moved by: Delories Hall

Seconded by: Kenneth Gordon

Vote: Motion carried unanimously

8. Announcements

Code Enforcement Officer Harris gave an update on the following Steel Rail projects which are also Code Enforcement cases:

3295 Steel Rail Drive – 80% completion

3220 Steel Rail Drive – 50% completion

3330 Steel Rail Drive – 25% completion

9. Next Scheduled Meeting: April 12, 2023

10. Adjournment of the Code Board Meeting

Motion: Adjourn

Moved by: Kenneth Gordon

Seconded by: Delories Hall

Vote: Motion carried unanimously

Board Chair

Code Enforcement Officer

****The City adopts summary minutes. Audio files in official City records are retained according to the Florida Department of State GS1-SL records retention schedule****



City of Bunnell, Florida

Agenda Item No. 7.

Document Date: 1/24/2023

Code Enforcement Case Number:
Case Number 22-014

Department: Code Enforcement

Subject: Case Number 22-014 City of Bunnell vs. Ella Chageyeva

Address: 3295 Steel Rail Drive

Zoning: L-1 Light Industrial

Agenda Section: Old Business:

ATTACHMENTS:

Description	Type
Exhibit A - Property Appraiser's Info	Exhibit
Exhibit B - Picture Before Compliance	Exhibit
Exhibit C - Notice of Violation	Exhibit
Exhibit D - NOV/NTA Paperwork Staked & Stapled	Exhibit

Code Excepts: **Bunnell Land Development Code, Sec. 34-120, L-1 Light Industrial District.** The purpose of this district is to provide areas in which the principal use of land is for light manufacturing, fabricating, and assembly plants, business, services, offices, retail, storage, warehousing, wholesaling and distribution. The intent of this district is to permit and regulate uses so that the noise, odor, dust, and glare of each operation is controlled to prevent becoming a nuisance to adjacent land uses. This district is compatible with the industrial land use designation.

Bunnell Land Development Code, Sec. 34-120(c)(1), Permitted Special Exception, which are subject to approval by the local planning agency, in the L-1 district shall be as follows:

(1) Tractor Trailer Storage Yards meeting the requirements.

Bunnell Land Development Code, Sec. 34-120(c)(2), Permitted Special Exception, which are subject to approval by the local planning agency, in the L-1 district shall be as follows:

(2) Junkyards or automotive wrecking or salvage yards meeting the minimum requirements.

Bunnell Land Development Code, Sec. 22-4(d) Any development or use requiring special exception approval.

(d) Departmental review of site plan applications. All applications and materials shall be submitted to the community development department for processing.

Bunnell Land Development Code, Sec. 22-9, Major Site Plan Submittal Requirements.

The purpose of this section is to ensure that all major and minor site plan applications include sufficient information and analysis for proper review and consideration regarding all comprehensive plan policies, land development regulations, and Code of Ordinances requirements. Omissions of individual elements must be approved by the community development director or his/her designee.

Bunnell Land Development Code, Sec. 26-56, Storing, Parking or Leaving Dismantled Or Other Such Motor Vehicle Or Other Such Motor Vehicle Or Boat Prohibited And Declared Nuisance, Exceptions.

It shall be unlawful for any person to park, store, leave, or permit the parking, storing or leaving, of any motor vehicle or boat of any kind which is abandoned, wrecked, dismantled, inoperative, rusted, junked or partially dismantled, whether attended or not, upon any private property within the city for a period of time in excess of 72 hours. The presence of an abandoned, wrecked, dismantled, inoperative, rusted, junked or partially dismantled vehicle or boat, or parts thereof, on private property is hereby declared a public nuisance which may be abated as such in accordance with the provisions of this division. This section shall not apply to any vehicle or boat stored within a roofed building on private property or to any vehicle or boat held in connection with a business enterprise, lawfully licensed by the city and properly operated in the appropriate business zone, pursuant to the zoning laws of the city, or to any motor vehicle or boat retained by the owner for antique repair and restoration as long as such motor vehicle or boat is covered by a suitable tarpaulin. However, any junked motor vehicle or boat which is located on business property, and properly zoned and licensed for such business, shall not hold such property where the general public can view the property from any public street within the city. Off-road vehicles may be stored on residential property as long as they are stored in the rear yard out of public view.

Bunnell Land Development Code, Sec. 58-36, Levying of tax.

The city hereby levies a local business tax and authorizes the issuance of said business tax receipts as authorized by F.S. ch. 205, for the following:

- (1) Any person who maintains a permanent business location or branch office within the city, for the privilege of engaging in or managing any business within its jurisdiction.
- (2) Any person who maintains a permanent business location or branch office within the city, for the privilege of engaging (in or managing any profession or occupation within its jurisdiction.
- (3) Any person who does not qualify under subsection (1) or subsection (2) and who transacts any business or engages in any occupation or profession in interstate commerce, if the business tax is not prohibited by s. 8, Art. I of the United States Constitution.

Bunnell Land Development Code, Sec. 58-47, Doing Business Without, Or Under A Fraudulently Obtained Local Business Tax Receipt.

(a) It shall be unlawful for any person to engage in any trade, business, profession or occupation within the city without first obtaining a local business tax receipt as required by this article.

(b) It shall be unlawful for any person to engage in any trade, business, profession or occupation under a local business tax receipt issued upon a false statement or other false information.

Bunnell Land Development Code, Sec. 70-1(a), Removal of Certain Plants, Weeds, Trash and Litter; Duty Of Owner; Service Of Notice.

(a) It shall be the duty of every owner of land lying within the limits of the city to clear and destroy all weeds, palmetto, shrubbery, trash and other litter, and to abate all nuisances, that may be on such land. If any owner of land within the city shall fail to do so, the city shall give notice personally where possible, or by certified mail return receipt in accordance with F.S. ch. 162 to such owner requiring him to comply with the requirements of this section, or such number of the requirements as may be necessary and appropriate in the particular case, within a reasonable time from the service of the notice, as specified in the notice. In the event the requirements of this section are not met within the period specified in the notice, the case will be referred to the code enforcement board for adjudication, or to the city manager or designee for abatement, or both, all in accordance with the provisions of this chapter.

**Case Actions
Information:**

6-14-2022: On June 14, 2022, a Courtesy Notice was sent advising the following violations:

Sec. 34-120. L-1, Light Industrial District

Sec. 34-120(c). Permitted Special Exception

Sec. 22-9. Major Site Plan

Sec. 22-4. Procedures for Site Plan Review and Approval

Sec. 26-56. Storing, Parking, or Leaving Dismantled or Other Such Motor Vehicle Or Boat Prohibited And Declared Nuisance, Exceptions.

Sec. 70-1. Removal of Certain Plants, Weeds, Trash and Litter; Duty of Owner; Service of Notice

Sec. 58-47. Doing Business Without, or Under a Fraudulently Obtained Local Business Tax Receipt

Sec. 58-36. Levying of Tax

On June 19, 2022, a Notice of Violation (NOV) and Notice of Appearance (NOA) was staked at 3295 Steel Rail Drive. The Notices were also added to City of Bunnell (COB) bulletin board.

8-11-22: Code Board meeting was last night and Ella Chageyeva was present for 3295 Steel Rail Drive. Code Board found respondent in violation but to continue this case since owner has started the Site Plan process. As long as there is progress there will be no fine. If there is no progress a \$100.00 fine will start September 30, 2022.

9-23-22: Owner is working on sight plan so I have sent a NOV & NTA certified letter for the October 12th code board meeting. Progress is moving slowly so staff will ask for a continuance to keep working on

getting this case into compliance.

10-13-22: Went back to code board last night. Code Board found respondent non-compliant and to continue hoping for a December 6th PA board to help them be in compliance for our December 14th code board meeting.

11-15-22: Sent NOV Certified letter and posted NOV in front of property. Displayed NOV at public community board at the Utilities office. Property owner is changing engineering which will slow and keep respondent from achieving compliance by the 12-14-22 CB meeting. Code Board will have to decide to continue this case with or without fine.

12-14-22: Code Board decided since there was an engineering change to continue this case till our February 8th meeting.

1-19-23: Sent certified NOV to 47 Edith Pope Drive then went and staked NOV at 3295 Steel Rail Drive. Took pictures of staked NOV. Posted NOV on City bulletin board.

2-9-23: This case has been continued till our April Code Board meeting. If not in compliance a fine will be encouraged so respondent will know the seriousness to be in compliance.

3/15/23: Sent out certified letters for the April 12th code board meeting. Staked NOV & NTA on property and hand delivered NOV hoping respondent will come into compliance before the April code board meeting.

Staff

Recommendation:

Staff recommends the Code Board find the property continues to be in violation of the City Code Sections cited and continue to the June Code Enforcement Board hearing with a fine of \$100.00 per day starting April 13th.

Owner Information

Primary Owner

[Chageyeva Ella](#)
47 Edith Pope Dr
Palm Coast, FL 32164

Parcel Summary

Parcel ID	34-11-30-5736-00000-0050
Prop ID	9540
Location Address	3295 STEEL RAIL DR BUNNELL, FL 32110
Brief Tax Description*	STEEL RAIL INDUSTRIAL PARK REPLAT MB 37 PG 55 LOT 5 2.93 ACRES <i>(Note: *The Description above is not to be used on legal documents.)</i>
Property Use Code	VACANT INDUSTRIAL (004000)
Tax District	BUNNELL AREA WITH NO MOSQUITO CONTROL (District 13)
Millage Rate	22.0306
Homestead	N
GIS sqft	127,559.233

[View Map](#)

Valuation

	2022 Working Values	2021 Certified Values	2020 Certified Values	2019 Certified Values
Building Value	\$0	\$0	\$0	\$0
Extra Features Value	\$0	\$0	\$0	\$0
Land Value	\$232,120	\$148,645	\$120,820	\$101,077
Land Agricultural Value	\$0	\$0	\$0	\$0
Agricultural (Market) Value	\$0	\$0	\$0	\$0
Just (Market) Value	\$232,120	\$148,645	\$120,820	\$101,077
Assessed Value	\$232,120	\$122,304	\$111,185	\$101,077
Exempt Value	\$0	\$0	\$0	\$0
Taxable Value	\$232,120	\$122,304	\$111,185	\$101,077
Protected Value	\$0	\$26,341	\$9,635	\$0

"Just (Market) Value" description - This is the value established by the Property Appraiser for ad valorem purposes. This value does not represent anticipated selling price.



2021.12.20 15:49



STATEMENT OF VIOLATION
& NOTICE TO APPEAR

March 15, 2023,

CASE NUMBER 22-014

TO: Ella Chageyeva
47 Edith Pope Drive
Palm Coast, Fl. 32164

VIA: Hand Delivery by Gary Harris to 3295 Steel Rail Drive on March 15, 2023.
Certified mail: Receipt No. 7018 3090 0001 7027 9789
Posting on Property: 3295 Steel Rail Drive, Bunnell, Fl. 32110 on March 15, 2023.
Posting at City Hall Public Notice Board on March 15, 2023.

IN ACCORDANCE WITH SECTION 162.06(4) AND CITY OF BUNNELL ORDINANCES, NOTICE HAS BEEN PROVIDED TO YOU THAT A VIOLATION OF CASE NUMBER 22-014 ON PROPERTY OWNED BY YOU AND LOCATED AT 3295 STEEL RAIL DRIVE BUNNELL, FLORIDA, (PARCEL ID NUMBER: 34-11-30-5736-00000-0050), TO WIT: PROCEDURES FOR SITE PLAN REVIEW AND APPROVAL.

Bunnell Land Development Code Sec. 22-4. - Procedures for site plan review and approval.

(a) Site plan thresholds.

(1) Major site plan. The following developments shall require major site plan approval:

(b). New, nonresidential development comprised of 5,000 square feet or more of new impervious surface area.

(2) Minor site plan. The following development shall constitute minor site plans:

(b). New, nonresidential development comprised of less than 5,000 square feet of new impervious surface area.

(3) Minimal site plan. Any plan not meeting the criteria for major or minor site plan.

Bunnell Land Development Code Sec. 34-120. - L-1 Light industrial district.

(b) Permitted principal and accessory uses and structures. The following uses shall be permitted in the L-1 Light industrial district.

(31) Outside storage is allowable provided that:

a. The storage is visually screened from roadways and neighboring properties by a solid fence of six-foot in height or thick vegetation buffer.

b. Any storage greater than six feet in height is setback from all property lines a minimum of ten feet.

- c. The storage is no greater than 15 feet in height.
- d. The storage is not land clearing debris, construction debris, recyclables, trash, garbage, or other materials typically disposed of at a Class I or higher landfill.

Bunnell Code of Ordinance. Sec. 26-51 Definitions.

Junked motor vehicle means any motor vehicle which does not have lawfully affixed thereto an unexpired license plate or the condition of which is wrecked, dismantled, partially dismantled, inoperative, abandoned or discarded.

Bunnell Code of Ordinance. Sec. 26-56. – Storing, parking, or leaving dismantled or other such motor vehicle or boat prohibited and declared nuisance, exceptions.

It shall be unlawful for any person to park, store, leave, or permit the parking, storing or leaving, of any motor vehicle or boat of any kind which is abandoned, wrecked, dismantled, inoperative, rusted, junked or partially dismantled, whether attended or not, upon any private property within the city for a period of time in excess of 72 hours. The presence of an abandoned, wrecked, dismantled, inoperative, rusted, junked or partially dismantled vehicle or boat, or parts thereof, on private property is hereby declared a public nuisance which may be abated as such in accordance with the provisions of this division. This section shall not apply to any vehicle or boat stored within a roofed building on private property or to any vehicle or boat held in connection with a business enterprise, lawfully licensed by the city and properly operated in the appropriate business zone, pursuant to the zoning laws of the city, or to any motor vehicle or boat retained by the owner for antique repair and restoration if such motor vehicle or boat is covered by a suitable tarpaulin. However, any junked motor vehicle or boat which is located on business property, and properly zoned and licensed for such business, shall not hold such property where the public can view the property from any public street within the city. Off-road vehicles may be stored on residential property if they are stored in the rear yard out of public view.

Bunnell Code of Ordinance Sec. 58-36. - Levying of tax.

The city hereby levies a local business tax and authorizes the issuance of said business tax receipts as authorized by F.S. Ch. 205, for the following:

- (1) Any person who maintains a permanent business location or branch office within the city, for the privilege of engaging in or managing any business within its jurisdiction.
- (2) Any person who maintains a permanent business location or branch office within the city, for the privilege of engaging in or managing any profession or occupation within its jurisdiction.

Bunnell Code of Ordinance Sec. 58-47. - Doing business without, or under a fraudulently obtained local business tax receipt.

(a) It shall be unlawful for any person to engage in any trade, business, profession, or occupation within the city without first obtaining a local business tax receipt as required by this article.

Bunnell Code of Ordinance Sec. 70-1. - Removal of certain plants, weeds, trash and litter; duty of owner; service of notice.

It shall be the duty of every owner of land lying within the limits of the city to clear and destroy all weeds, palmetto, shrubbery, trash and other litter that may be on such land. If any owner of land within the city shall fail to do so, the city shall give notice personally where possible, or by certified mail return receipt in accordance with F.S. Ch. 162 to such

owner requiring him to comply with the requirements of this section, or such number of the requirements as may be necessary and appropriate in the particular case, within 30 days from the service of the notice. In the event the requirements of this section are not met within the 30-day period after service of the notice, the case will be referred to the code enforcement board for adjudication.

Being the Owner/Tenant of said following property, described as:

3295 Steel Rail Drive, City of Bunnell, County of Flagler, State of Florida

Parcel ID number 34-11-30-5736-00000-0050

Recommended corrective action:

- Complete the site plan review process to improve or develop the subject property.
- The proposed site plan should ensure that all outdoor storage meets the zoning regulations.
- Remove all junk vehicles from the property.
- Apply for and obtain a local business tax receipt.
- Mow the yard and make arrangements to keep the yard maintained and/or mowed regularly.

THE VIOLATION IS BASED ON INVESTIGATION BY THE UNDERSIGNED CITY OF BUNNELL CODE ENFORCEMENT OFFICER, WHO IS AVAILABLE TO RESPOND TO ANY QUESTIONS YOU MAY HAVE. IT IS NOT POSSIBLE FOR THE PROPERTY TO FIND COMPLIANCE WITH CASE 22-014, UNLESS THIS VIOLATION FOR SITE PLAN BE IN COMPLIANCE.

YOU ARE HEREBY NOTIFIED THE VIOLATION SHALL BE REVIEWED BY THE CITY OF BUNNELL CODE ENFORCEMENT BOARD ON APRIL 12, 2023, AT 6 PM OR SOON THEREAFTER AT THE BUNNELL CITY HALL, AT WHICH TIME CODE ENFORCEMENT MAY 1) DISMISS THE VIOLATION IF COMPLIANCE HAS OCCURRED; 2) REQUEST CONTINUANCE OF THE CASE; OR 3) PRESENT TESTIMONY AND EVIDENCE OF THE VIOLATION TO THE CODE ENFORCEMENT BOARD.

AT THE HEARING, THE CITY OF BUNNELL CODE ENFORCEMENT BOARD MAY FIND THE VIOLATION OCCURRED AS NOTICED AND IMPOSE A FINE UP TO \$250 FOR THE FIRST VIOLATION OF THE CODE SECTION AND UP TO \$500 FOR A REPEAT VIOLATION WITHIN 5 YEARS. IF THE CODE ENFORCEMENT BOARD DETERMINES THE VIOLATION PRESENTED A SERIOUS THREAT TO THE PUBLIC HEALTH, SAFETY AND WELFARE OR IF THE VIOLATION IS IRREPARABLE OR IRREVERSIBLE IN NATURE, IT MAY NOTIFY THE CITY OF BUNNELL FOR ABATEMENT OF THE VIOLATION OR IT MAY IMPOSE A FINE NOT TO EXCEED \$5,000 PER VIOLATION. IF A FINE IS NOT PAID, THE CITY MAY RECORD A COPY OF THE CODE ENFORCEMENT BOARD ORDER. THE UNPAID FINE SHALL CONSTITUTE A LIEN AGAINST THE LAND ON WHICH THE VIOLATION OCCURRED AND UPON ANY OTHER REAL OR PERSONAL PROPERTY OWNED BY THE VIOLATOR(S). IF THE LIEN IS NOT SATISFIED, THE CODE ENFORCEMENT BOARD MAY AUTHORIZE FORECLOSURE OF THE LIEN OR THE CITY MAY SEEK PAYMENT BY OTHER LAWFUL MEANS.

YOU ARE ADVISED TO CHECK THE CITY WEBSITE FOR UP-TO-DATE INFORMATION ON ANY CHANGES IN THE MANNER IN WHICH THE HEARING WILL BE HELD AND ITS LOCATION.

AS REQUIRED BY SECTION 286.0105 FLORIDA STATUTES, IF YOU DECIDES TO APPEAL ANY DECISION MADE BY THE BUNNELL CODE ENFORCEMENT BOARD WITH RESPECT TO ANY MATTER CONSIDERED AT THE HEARING, YOU WILL NEED A RECORD OF THE PROCEEDINGS, AND YOU NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH AN APPEAL IS TO BE BASED. IF YOU NEED SPECIAL ASSISTANCE TO PARTICIPATE IN THE PUBLIC HEARING, PLEASE CONTACT THE BUNNELL CITY CLERK AT 386-263-8808 PRIOR TO THE HEARING.

**Gary Harris
Code Enforcement Officer
City of Bunnell
PO Box 756
Bunnell, FL 32110
386-263-8807**



3.15.2023 11:40



City of Bunnell, Florida

Agenda Item No. 8.

Document Date: 1/25/2023

Code Enforcement Case Number:
Case Number 22-015

Department: Code Enforcement

Subject: Case Number 22-015 City of Bunnell vs. Armando Toyos & Nayrobi
Rodriguez

Address: 3330 Steel Rail Drive

Zoning: L-1 Light Industrial

Agenda Section: Old Business:

ATTACHMENTS:

Description	Type
Exhibit A - Property Appraiser's Info	Exhibit
Exhibit B - Picture Before Compliance	Exhibit
Exhibit C - Notice of Violation	Exhibit
Exhibit D - NOV/NTA Paperwork Staked & Stapled	Exhibit

Code Excepts: **Bunnell Land Development Code, Sec. 34-120, L-1 Light Industrial District.** The purpose of this district is to provide areas in which the principal use of land is for light manufacturing, fabricating, and assembly plants, business, services, offices, retail, storage, warehousing, wholesaling and distribution. The intent of this district is to permit and regulate uses so that the noise, odor, dust, and glare of each operation is controlled to prevent becoming a nuisance to adjacent land uses. This district is compatible with the industrial land use designation.

Bunnell Land Development Code, Sec. 34-120(c)(1), Permitted Special Exception, which are subject to approval by the local planning agency, in the L-1 district shall be as follows:

(1) Tractor Trailer Storage Yards meeting the requirements

Bunnell Land Development Code, Sec. 34-120(c)(2), Permitted Special Exception. Permitted special exceptions, which are subject to approval by the local planning agency, in the L-1 district shall be as follows:

(2) Junkyards or automotive wrecking or salvage yards meeting the minimum requirements

Bunnell Land Development Code, Sec. 22-4(d) Any development or use requiring special exception approval.

(d) Departmental review of site plan applications. All applications and materials

shall be submitted to the community development department for processing.

Bunnell Land Development Code, Sec. 22-9, Major Site Plan Submittal Requirements.

The purpose of this section is to ensure that all major and minor site plan applications include sufficient information and analysis for proper review and consideration regarding all comprehensive plan policies, land development regulations, and Code of Ordinances requirements. Omissions of individual elements must be approved by the community development director or his/her designee.

Bunnell Land Development Code, Sec. 26-56, Storing, Parking or Leaving Dismantled Or Other Such Motor Vehicle Or Other Such Motor Vehicle Or Boat Prohibited And Declared Nuisance, Exceptions.

It shall be unlawful for any person to park, store, leave, or permit the parking, storing or leaving, of any motor vehicle or boat of any kind which is abandoned, wrecked, dismantled, inoperative, rusted, junked or partially dismantled, whether attended or not, upon any private property within the city for a period of time in excess of 72 hours. The presence of an abandoned, wrecked, dismantled, inoperative, rusted, junked or partially dismantled vehicle or boat, or parts thereof, on private property is hereby declared a public nuisance which may be abated as such in accordance with the provisions of this division. This section shall not apply to any vehicle or boat stored within a roofed building on private property or to any vehicle or boat held in connection with a business enterprise, lawfully licensed by the city and properly operated in the appropriate business zone, pursuant to the zoning laws of the city, or to any motor vehicle or boat retained by the owner for antique repair and restoration as long as such motor vehicle or boat is covered by a suitable tarpaulin. However, any junked motor vehicle or boat which is located on business property, and properly zoned and licensed for such business, shall not hold such property where the general public can view the property from any public street within the city. Off-road vehicles may be stored on residential property as long as they are stored in the rear yard out of public view.

Bunnell Land Development Code, Sec. 58-36, Levying of tax.

The city hereby levies a local business tax and authorizes the issuance of said business tax receipts as authorized by F.S. ch. 205, for the following:

- (1) Any person who maintains a permanent business location or branch office within the city, for the privilege of engaging in or managing any business within its jurisdiction.
- (2) Any person who maintains a permanent business location or branch office within the city, for the privilege of engaging (in or managing any profession or occupation within its jurisdiction.
- (3) Any person who does not qualify under subsection (1) or subsection (2) and who transacts any business or engages in any occupation or profession in interstate commerce, if the business tax is not prohibited by s. 8, Art. I of the United States Constitution.

Bunnell Land Development Code, Sec. 58-47, Doing Business Without,

Or Under A Fraudulently Obtained Local Business Tax Receipt.

(a) It shall be unlawful for any person to engage in any trade, business, profession or occupation within the city without first obtaining a local business tax receipt as required by this article.

(b) It shall be unlawful for any person to engage in any trade, business, profession or occupation under a local business tax receipt issued upon a false statement or other false information.

Bunnell Land Development Code, Sec. 70-1(a), Removal of Certain Plants, Weeds, Trash and Litter; Duty Of Owner; Service Of Notice.

(a) It shall be the duty of every owner of land lying within the limits of the city to clear and destroy all weeds, palmetto, shrubbery, trash and other litter, and to abate all nuisances, that may be on such land. If any owner of land within the city shall fail to do so, the city shall give notice personally where possible, or by certified mail return receipt in accordance with F.S. ch. 162 to such owner requiring him to comply with the requirements of this section, or such number of the requirements as may be necessary and appropriate in the particular case, within a reasonable time from the service of the notice, as specified in the notice. In the event the requirements of this section are not met within the period specified in the notice, the case will be referred to the code enforcement board for adjudication, or to the city manager or designee for abatement, or both, all in accordance with the provisions of this chapter.

Case Actions Information:

6-14-22: Sent Courtesy letter for violation Sec 22-4 Procedures for Site plan review and approval. Sec 34-120 Light Industrial district. Sec 26-56 Storing, parking or leaving motor vehicle. Sec 58-36 Levying of tax. Sec 58-47 Doing business without a local business tax. Sec 70-1 Removal of certain plants, weeds, trash, and litter.

7-19-22: Sent NOV & NTA certified letter for code enforcement board on August 10, 2022. Took pictures of NOV staked at 3330 Steel Rail Drive. Put copy of NOV in COB bulletin board at 604 E. Moody Blvd. Unit 6.

8-11-2022: Code Board meeting was last night, and Nayrobi Rodriguez was present for 3330 Steel Rail Drive. Code Board found respondent in violation but to continue this case since owner has started the Site Plan process. As long as there is progress, there will be no fine. If there is no progress a \$100.00 fine will start September 30, 2022.

8-30-22: 3330 Steel Rail Drive has delivered their site plan and the Community Development is reviewing it.

9-23-2022: Owner is working on sight plan, so I have sent a NOV & NTA certified letter for the October 12th code board meeting. Progress is moving slowly so staff will ask for a continuance to keep working on getting this case into compliance.

10-13-2022: Went back to code board last night. Code Board found

respondent non-compliant and to continue hoping for a December 6th PZA board to help them to be in compliance for 12-14-22 CB meeting.

11-15-2022: Sent NOV Certified letter and posted NOV in front of property. Displayed NOV at public community board at Utilities office. Property owner is changing engineering firms which will slow and keep respondent from achieving compliance by the 12-14-22 CB meeting. Code Board will have to decide to continue this case with or without fines.

12-14-22: Code Board decided since there was an engineering change to continue this case till our April 12th meeting.

1-19-23: Sent certified NOV to 47 Edith Pope Drive then went and staked NOV at 3295 Steel Rail Drive. Took pictures of staked NOV. Posted NOV on City bulletin board.

2-9-23: This case has been continued till our April Code Board meeting. If not in compliance a fine will be encouraged so respondent will know the seriousness to be in compliance.

3/15/23: Sent out certified letters for the April 12th code board meeting. Staked NOV & NTA on property and hand delivered NOV hoping respondent will come into compliance before the April code board meeting.

Staff Recommendation: Staff recommends the Code Board find the respondent in violation of the City Code Sections cited and continues to the June Code Enforcement Board hearing with a fine of \$100.00 per day starting April 13th.

Owner Information

Primary Owner

[Toyos Armando](#)

& Nayrobi Rodriguez H&W

141 Pine Grove Drive

Palmcoast, FL 32164

Parcel Summary

Parcel ID	34-11-30-5736-00000-0140
Prop ID	9552
Location Address	3330 STEEL RAIL DR BUNNELL, FL 32110
Brief Tax Description*	STEEL RAIL INDUSTRIAL PARK REPLAT MB 37 PG 55 LOT 14 (2.92 AC) OR 2207/1835 <i>(Note: *The Description above is not to be used on legal documents.)</i>
Property Use Code	VACANT INDUSTRIAL (004000)
Tax District	BUNNELL AREA WITH NO MOSQUITO CONTROL (District 13)
Millage Rate	22.0306
Homestead	N
GIS sqft	127,010.144

[View Map](#)

Valuation

	2022 Working Values	2021 Certified Values	2020 Certified Values	2019 Certified Values
Building Value	\$0	\$0	\$0	\$0
Extra Features Value	\$0	\$0	\$0	\$0
Land Value	\$152,420	\$97,700	\$79,460	\$65,504
Land Agricultural Value	\$0	\$0	\$0	\$0
Agricultural (Market) Value	\$0	\$0	\$0	\$0
Just (Market) Value	\$152,420	\$97,700	\$79,460	\$65,504
Assessed Value	\$107,470	\$97,700	\$72,054	\$65,504
Exempt Value	\$0	\$0	\$0	\$0
Taxable Value	\$107,470	\$97,700	\$72,054	\$65,504
Protected Value	\$44,950	\$0	\$7,406	\$0



2022.2.28 15:41



STATEMENT OF VIOLATION
& NOTICE TO APPEAR

March 15, 2023,

CASE NUMBER 22-015

TO: Armando Toyos & Nayrobi Rodriguez
141 Pine Grove Drive
Palm Coast, Fl. 32164

VIA: Hand Delivery by Gary Harris to 3330 Steel Rail Drive on March 15, 2023.
Certified mail: Receipt No. 7020 1290 0000 2697 4744
Posting on Property: 3330 Steel Rail Drive, Bunnell, Fl. 32110 on March 15, 2023.
Posting at City Hall Public Notice Board on March 15, 2023.

IN ACCORDANCE WITH SECTION 162.06(4) AND CITY OF BUNNELL ORDINANCES, NOTICE HAS BEEN PROVIDED TO YOU THAT A VIOLATION OF CASE NUMBER 22-015 ON PROPERTY OWNED BY YOU AND LOCATED AT 3330 STEEL RAIL DRIVE BUNNELL, FLORIDA, (PARCEL ID NUMBER: 34-11-30-5736-00000-0140), TO WIT: PROCEDURES FOR SITE PLAN REVIEW AND APPROVAL.

Bunnell Land Development Code Sec. 22-4. - Procedures for site plan review and approval.

(a) Site plan thresholds.

(1) Major site plan. The following developments shall require major site plan approval:

(b). New, nonresidential development comprised of 5,000 square feet or more of new impervious surface area.

(2) Minor site plan. The following development shall constitute minor site plans:

(b). New, nonresidential development comprised of less than 5,000 square feet of new impervious surface area.

(3) Minimal site plan. Any plan not meeting the criteria for major or minor site plan.

Bunnell Land Development Code Sec. 34-120. - L-1 Light industrial district.

(b) Permitted principal and accessory uses and structures. The following uses shall be permitted in the L-1 Light industrial district.

(31) Outside storage is allowable provided that:

a. The storage is visually screened from roadways and neighboring properties by a solid fence of six-foot in height or thick vegetation buffer.

b. Any storage greater than six feet in height is setback from all property lines a minimum of ten feet.

c. The storage is no greater than 15 feet in height.

d. The storage is not land clearing debris, construction debris, recyclables, trash, garbage, or other materials typically disposed of at a Class I or higher landfill.

Bunnell Code of Ordinance. Sec. 26-51 Definitions.

Junked motor vehicle means any motor vehicle which does not have lawfully affixed thereto an unexpired license plate or the condition of which is wrecked, dismantled, partially dismantled, inoperative, abandoned or discarded.

Bunnell Code of Ordinance. Sec. 26-56. – Storing, parking, or leaving dismantled or other such motor vehicle or boat prohibited and declared nuisance, exceptions.

It shall be unlawful for any person to park, store, leave, or permit the parking, storing or leaving, of any motor vehicle or boat of any kind which is abandoned, wrecked, dismantled, inoperative, rusted, junked or partially dismantled, whether attended or not, upon any private property within the city for a period of time in excess of 72 hours. The presence of an abandoned, wrecked, dismantled, inoperative, rusted, junked or partially dismantled vehicle or boat, or parts thereof, on private property is hereby declared a public nuisance which may be abated as such in accordance with the provisions of this division. This section shall not apply to any vehicle or boat stored within a roofed building on private property or to any vehicle or boat held in connection with a business enterprise, lawfully licensed by the city and properly operated in the appropriate business zone, pursuant to the zoning laws of the city, or to any motor vehicle or boat retained by the owner for antique repair and restoration if such motor vehicle or boat is covered by a suitable tarpaulin. However, any junked motor vehicle or boat which is located on business property, and properly zoned and licensed for such business, shall not hold such property where the public can view the property from any public street within the city. Off-road vehicles may be stored on residential property if they are stored in the rear yard out of public view.

Bunnell Code of Ordinance Sec. 58-36. - Levying of tax.

The city hereby levies a local business tax and authorizes the issuance of said business tax receipts as authorized by F.S. Ch. 205, for the following:

(1) Any person who maintains a permanent business location or branch office within the city, for the privilege of engaging in or managing any business within its jurisdiction.

Any person who maintains a permanent business location or branch office within the city, for the privilege of engaging in or managing any profession or occupation within its jurisdiction.

Bunnell Code of Ordinance Sec. 58-47. - Doing business without, or under a fraudulently obtained local business tax receipt.

(a) It shall be unlawful for any person to engage in any trade, business, profession, or occupation within the city without first obtaining a local business tax receipt as required by this article.

Bunnell Code of Ordinance Sec. 70-1. - Removal of certain plants, weeds, trash and litter; duty of owner; service of notice.

It shall be the duty of every owner of land lying within the limits of the city to clear and destroy all weeds, palmetto, shrubbery, trash and other litter that may be on such land. If any owner of land within the city shall fail to do so, the city shall give notice personally where possible, or by certified mail return receipt in accordance with F.S. Ch. 162 to such owner requiring him to comply with the requirements of this section, or such number of

the requirements as may be necessary and appropriate in the particular case, within 30 days from the service of the notice. In the event the requirements of this section are not met within the 30-day period after service of the notice, the case will be referred to the code enforcement board for adjudication.

Being the Owner/Tenant of said following property, described as:
3330 Steel Rail Drive, City of Bunnell, County of Flagler, State of Florida
Parcel ID number 34-11-30-5736-00000-0140

Recommended corrective action:

- Complete the site plan review process to improve or develop the subject property.
- The proposed site plan should ensure that all outdoor storage meets the zoning regulations.
- Remove all junk vehicles from the property.
- Apply for and obtain a local business tax receipt.
- Mow the yard and make arrangements to keep the yard maintained and/or mowed regularly.

THE VIOLATION IS BASED ON INVESTIGATION BY THE UNDERSIGNED CITY OF BUNNELL CODE ENFORCEMENT OFFICER, WHO IS AVAILABLE TO RESPOND TO ANY QUESTIONS YOU MAY HAVE. IT IS NOT POSSIBLE FOR THE PROPERTY TO FIND COMPLIANCE WITH CASE 22-015, UNLESS THIS VIOLATION FOR SITE PLAN BE IN COMPLIANCE.

YOU ARE HEREBY NOTIFIED THE VIOLATION SHALL BE REVIEWED BY THE CITY OF BUNNELL CODE ENFORCEMENT BOARD ON APRIL 12, 2023, AT 6 PM OR SOON THEREAFTER AT THE BUNNELL CITY HALL, AT WHICH TIME CODE ENFORCEMENT MAY 1) DISMISS THE VIOLATION IF COMPLIANCE HAS OCCURRED; 2) REQUEST CONTINUANCE OF THE CASE; OR 3) PRESENT TESTIMONY AND EVIDENCE OF THE VIOLATION TO THE CODE ENFORCEMENT BOARD.

AT THE HEARING, THE CITY OF BUNNELL CODE ENFORCEMENT BOARD MAY FIND THE VIOLATION OCCURRED AS NOTICED AND IMPOSE A FINE UP TO \$250 FOR THE FIRST VIOLATION OF THE CODE SECTION AND UP TO \$500 FOR A REPEAT VIOLATION WITHIN 5 YEARS. IF THE CODE ENFORCEMENT BOARD DETERMINES THE VIOLATION PRESENTED A SERIOUS THREAT TO THE PUBLIC HEALTH, SAFETY AND WELFARE OR IF THE VIOLATION IS IRREPARABLE OR IRREVERSIBLE IN NATURE, IT MAY NOTIFY THE CITY OF BUNNELL FOR ABATEMENT OF THE VIOLATION OR IT MAY IMPOSE A FINE NOT TO EXCEED \$5,000 PER VIOLATION. IF A FINE IS NOT PAID, THE CITY MAY RECORD A COPY OF THE CODE ENFORCEMENT BOARD ORDER. THE UNPAID FINE SHALL CONSTITUTE A LIEN AGAINST THE LAND ON WHICH THE VIOLATION OCCURRED AND UPON ANY OTHER REAL OR PERSONAL PROPERTY OWNED BY THE VIOLATOR(S). IF THE LIEN IS NOT SATISFIED, THE CODE ENFORCEMENT BOARD MAY AUTHORIZE FORECLOSURE OF THE LIEN OR THE CITY MAY SEEK PAYMENT BY OTHER LAWFUL MEANS.

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**Gary Harris
Code Enforcement Officer
City of Bunnell
PO Box 756
Bunnell, FL 32110
386-263-8807**



**STATEMENT OF VIOLATION
& NOTICE TO APPEAR**

March 15, 2023,

CASE NUMBER 22-015

TO: Armando Toyos & Nayrobi Rodriguez
141 Pine Grove Drive
Palm Coast, Fl. 32164

VIA: Hand Delivery by Gary Harris to 3330 Steel Rail Drive on March 15, 2023.
Certified mail: Receipt No. 7020 1290 0000 2697 4744
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- (a) Site plan thresholds.
- (1) Major site plan. The following developments shall require major site plan approval:
- (b). New, nonresidential development comprised of 5,000 square feet or more of new impervious surface area.
- (2) Minor site plan. The following development shall constitute minor site plans:
- (b). New, nonresidential development comprised of less than 5,000 square feet of new impervious surface area.
- (3) Minimal site plan. Any plan not meeting the criteria for major or minor site plan.

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(b) Permitted principal and accessory uses and structures. The following uses shall be permitted in the L-1 Light industrial district.

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- a. The storage is visually screened from roadways and neighboring properties by a solid fence of six-foot in height or thick vegetation buffer.
- b. Any storage greater than six feet in height is setback from all property lines a minimum of ten feet.
- c. The storage is no greater than 15 feet in height.

3.15.2023 11:34



City of Bunnell, Florida

Agenda Item No. 9.

Document Date: 1/25/2023

Code Enforcement Case Number:
Case Number 22-016

Department: Code Enforcement

Subject: Case Number 22-016 City of Bunnell vs. Abama Mama, LLC

Address: 3220 Steel Rail Drive

Zoning: L-1 Light Industrial

Agenda Section: Old Business:

ATTACHMENTS:

Description	Type
Exhibit A - Property Appraiser's Info	Exhibit
Exhibit B - Picture Before Compliance	Exhibit
Exhibit C - Notice of Violation	Exhibit
Exhibit D - NOV/NTA Paperwork Staked & Stapled	Exhibit

Code Excepts: **Bunnell Land Development Code, Sec. 34-120, L-1 Light Industrial District.** The purpose of this district is to provide areas in which the principal use of land is for light manufacturing, fabricating, and assembly plants, business, services, offices, retail, storage, warehousing, wholesaling and distribution. The intent of this district is to permit and regulate uses so that the noise, odor, dust, and glare of each operation is controlled to prevent becoming a nuisance to adjacent land uses. This district is compatible with the industrial land use designation.

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Bunnell Land Development Code, Sec. 22-4(a)(1)d

Any development or use requiring special exception approval.

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The purpose of this section is to ensure that all major and minor site plan applications include sufficient information and analysis for proper review and consideration regarding all comprehensive plan policies, land development regulations, and Code of Ordinances requirements. Omissions of individual elements must be approved by the community development director or his/her designee.

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- (3) Any person who does not qualify under subsection (1) or subsection (2)

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Case Actions
Information:

Case Count: 22-016

6-14-22: Sent Courtesy letter for violation Sec 22-4 Procedures for Site plan review and approval. Sec 34-120 Light Industrial district. Sec 26-56 Storing, parking or leaving motor vehicle. Sec 58-36 Levying of tax. Sec 58-47 Doing business without a local business tax. Sec 70-1 Removal of certain plants, weeds, trash, and litter.

6-19-22: Sent Certified letter then went and staked NOV at 3220 Steel Rail Drive. Added to COB bulletin board.

7-19-22: Sent NOV & NTA certified letter for code enforcement board on August 10,2022. Took pictures of NOV staked at 3220 Steel Rail Drive. Put copy of NOV in COB bulletin board at 604 E. Moody Blvd. Unit 6.

8-11-2022: Code Board meeting was last night, and Marie Domingues was present for 3220 Steel Rail Drive. Code Board found respondent in violation but to continue this case since owner has started the Site Plan process. If there is progress, there will be no fine. If there is no progress a \$100.00 fine will start September 30, 2022.

9-23-22: Owner is working on sight plan so I have sent a NOV & NTA certified letter for the October 12th code board meeting. Progress is moving slowly so staff will ask for a continuance to keep working on getting this case into compliance.

10-13-22: Went back to code board last night. Code Board found respondent non-compliant and to continue hoping for a December 6th PZA board to help them to be in compliance for 12-14-22 CB meeting.

11-15-22: Sent NOV Certified letter and posted NOV in front of property. Displayed Nov at public community board at Utilities office. Property Owner is selling property which will slow and keep respondent from achieving compliance by the 12-14-22 CB meeting. Code Board will have to decide to continue this case with or without fine.

12-15-22: Code Board last night agreed to continue case to April 12th meeting. Respondent Igor Zis is representing the new owner who said Joe Parsons will represent respondent with engineering issues and help getting this case into compliance. Should see lots of production before April CB meeting.

1-19-23: Sent certified NOV to 47 Edith Pope Drive then went and staked NOV at 3295 Steel Rail Drive. Took pictures of staked NOV. Posted NOV on City bulletin board.

2-9-23: This case has been continued till our April Code Board meeting. If not in compliance a fine will be encouraged so respondent will know the seriousness to be in compliance.

3/15/23: Sent out certified letters for the April 12th code board meeting. Staked NOV & NTA on property and hand delivered NOV hoping respondent will come into compliance before the April code board meeting.

Staff Recommendation: Staff recommends the Code Board find the respondent in violation of the City Code Sections cited and continues to the June Code Enforcement Board hearing with a fine of \$100.00 per day starting April 13th.

Owner Information

Primary Owner
Abama Mama LLC
1 Surrey Court
Palm Coast, FL 32137

Parcel Summary

Parcel ID 34-11-30-5736-00000-0110
Prop ID 9549
Location Address 3220 STEEL RAIL DR
BUNNELL, FL 32110
Brief Tax Description* STEEL RAIL INDUSTRIAL PARK MB 37 PG 55 LOT 11 (4.92 AC) OR 2389/1953
(Note: *The Description above is not to be used on legal documents.)
Property Use Code OUTDOOR STORAGE (004910)
Tax District BUNNELL AREA WITH NO MOSQUITO CONTROL (District 13)
Millage Rate 21.5516
Homestead N
GIS sqft 214,449.772

[View Map](#)

Valuation

	2022 Certified Values	2021 Certified Values	2020 Certified Values	2019 Certified Values
Building Value	\$0	\$0	\$0	\$0
Extra Features Value	\$3,792	\$4,064	\$0	\$0
Land Value	\$259,238	\$166,853	\$136,057	\$114,521
Land Agricultural Value	\$0	\$0	\$0	\$0
Agricultural (Market) Value	\$0	\$0	\$0	\$0
Just (Market) Value	\$263,030	\$170,917	\$136,057	\$114,521
Assessed Value	\$156,219	\$142,634	\$125,973	\$114,521
Exempt Value	\$0	\$0	\$0	\$0
Taxable Value	\$156,219	\$142,634	\$125,973	\$114,521
Protected Value	\$106,811	\$28,283	\$10,084	\$0

*Just (Market) Value" description - This is the value established by the Property Appraiser for ad valorem purposes. This value does not represent anticipated selling price.



7.27.2022 07:38



**STATEMENT OF VIOLATION
& NOTICE TO APPEAR**

January 19, 2023,

CASE NUMBER 22-016

**TO: Abama Mama LLC
1 Surrey Court
Palm Coast, Fl. 32137**

VIA: Hand Delivery by Gary Harris to 3220 Steel Rail Drive on January 19, 2023.
Certified mail: Receipt No. 7020 1290 0000 2697 4881
Posting on Property: 3220 Steel Rail Drive, Bunnell, Fl. 32110 on Jan. 19, 2023.
Posting at City Hall Public Notice Board on January 19, 2023.

IN ACCORDANCE WITH SECTION 162.06(4) AND CITY OF BUNNELL ORDINANCES, NOTICE HAS BEEN PROVIDED TO YOU THAT A VIOLATION OF CASE NUMBER 22-016 ON PROPERTY OWNED BY YOU AND LOCATED AT 3220 STEEL RAIL DRIVE BUNNELL, FLORIDA, (PARCEL ID NUMBER: 34-11-30-5736-00000-0110), TO WIT: PROCEDURES FOR SITE PLAN REVIEW AND APPROVAL.

Bunnell Land Development Code Sec. 22-4. - Procedures for site plan review and approval.

(a) Site plan thresholds.

(1) Major site plan. The following developments shall require major site plan approval:

(b). New, nonresidential development comprised of 5,000 square feet or more of new impervious surface area.

(2) Minor site plan. The following development shall constitute minor site plans:

(b). New, nonresidential development comprised of less than 5,000 square feet of new impervious surface area.

(3) Minimal site plan. Any plan not meeting the criteria for major or minor site plan.

Bunnell Land Development Code Sec. 34-120. - L-1 Light industrial district.

(b) Permitted principal and accessory uses and structures. The following uses shall be permitted in the L-1 Light industrial district.

(31) Outside storage is allowable provided that:

a. The storage is visually screened from roadways and neighboring properties by a solid fence of six-foot in height or thick vegetation buffer.

b. Any storage greater than six feet in height is setback from all property lines a minimum of ten feet.

c. The storage is no greater than 15 feet in height.

d. The storage is not land clearing debris, construction debris, recyclables, trash, garbage, or other materials typically disposed of at a Class I or higher landfill.

Bunnell Code of Ordinance. Sec. 26-51 Definitions.

Junked motor vehicle means any motor vehicle which does not have lawfully affixed thereto an unexpired license plate or the condition of which is wrecked, dismantled, partially dismantled, inoperative, abandoned or discarded.

Bunnell Code of Ordinance. Sec. 26-56. – Storing, parking, or leaving dismantled or other such motor vehicle or boat prohibited and declared nuisance, exceptions.

It shall be unlawful for any person to park, store, leave, or permit the parking, storing or leaving, of any motor vehicle or boat of any kind which is abandoned, wrecked, dismantled, inoperative, rusted, junked or partially dismantled, whether attended or not, upon any private property within the city for a period of time in excess of 72 hours. The presence of an abandoned, wrecked, dismantled, inoperative, rusted, junked or partially dismantled vehicle or boat, or parts thereof, on private property is hereby declared a public nuisance which may be abated as such in accordance with the provisions of this division. This section shall not apply to any vehicle or boat stored within a roofed building on private property or to any vehicle or boat held in connection with a business enterprise, lawfully licensed by the city and properly operated in the appropriate business zone, pursuant to the zoning laws of the city, or to any motor vehicle or boat retained by the owner for antique repair and restoration if such motor vehicle or boat is covered by a suitable tarpaulin. However, any junked motor vehicle or boat which is located on business property, and properly zoned and licensed for such business, shall not hold such property where the public can view the property from any public street within the city. Off-road vehicles may be stored on residential property if they are stored in the rear yard out of public view.

Bunnell Code of Ordinance Sec. 58-36. - Levying of tax.

The city hereby levies a local business tax and authorizes the issuance of said business tax receipts as authorized by F.S. Ch. 205, for the following:

(1) Any person who maintains a permanent business location or branch office within the city, for the privilege of engaging in or managing any business within its jurisdiction.

(2) Any person who maintains a permanent business location or branch office within the city, for the privilege of engaging in or managing any profession or occupation within its jurisdiction.

Bunnell Code of Ordinance Sec. 58-47. - Doing business without, or under a fraudulently obtained local business tax receipt.

(a) It shall be unlawful for any person to engage in any trade, business, profession, or occupation within the city without first obtaining a local business tax receipt as required by this article.

Bunnell Code of Ordinance Sec. 70-1. - Removal of certain plants, weeds, trash and litter; duty of owner; service of notice.

It shall be the duty of every owner of land lying within the limits of the city to clear and destroy all weeds, palmetto, shrubbery, trash and other litter that may be on such land. If any owner of land within the city shall fail to do so, the city shall give notice personally where possible, or by certified mail return receipt in accordance with F.S. Ch. 162 to such owner requiring him to comply with the requirements of this section, or such number of

the requirements as may be necessary and appropriate in the particular case, within 30 days from the service of the notice. In the event the requirements of this section are not met within the 30-day period after service of the notice, the case will be referred to the code enforcement board for adjudication.

Being the Owner/Tenant of said following property, described as:
3220 Steel Rail Drive, City of Bunnell, County of Flagler, State of Florida
Parcel ID number 34-11-30-5736-00000-0110

Recommended corrective action:

- Complete the site plan review process to improve or develop the subject property.
- The proposed site plan should ensure that all outdoor storage meets the zoning regulations.
- Remove all junk vehicles from the property.
- Apply for and obtain a local business tax receipt.
- Mow the yard and make arrangements to keep the yard maintained and/or mowed regularly.

THE VIOLATION IS BASED ON INVESTIGATION BY THE UNDERSIGNED CITY OF BUNNELL CODE ENFORCEMENT OFFICER, WHO IS AVAILABLE TO RESPOND TO ANY QUESTIONS YOU MAY HAVE. IT IS NOT POSSIBLE FOR THE PROPERTY TO FIND COMPLIANCE WITH CASE 22-016, UNLESS THIS VIOLATION FOR SITE PLAN BE IN COMPLIANCE.

YOU ARE HEREBY NOTIFIED THE VIOLATION SHALL BE REVIEWED BY THE CITY OF BUNNELL CODE ENFORCEMENT BOARD ON APRIL 12, 2023, AT 6 PM OR SOON THEREAFTER AT THE BUNNELL CITY HALL, AT WHICH TIME CODE ENFORCEMENT MAY 1) DISMISS THE VIOLATION IF COMPLIANCE HAS OCCURRED; 2) REQUEST CONTINUANCE OF THE CASE; OR 3) PRESENT TESTIMONY AND EVIDENCE OF THE VIOLATION TO THE CODE ENFORCEMENT BOARD.

AT THE HEARING, THE CITY OF BUNNELL CODE ENFORCEMENT BOARD MAY FIND THE VIOLATION OCCURRED AS NOTICED AND IMPOSE A FINE UP TO \$250 FOR THE FIRST VIOLATION OF THE CODE SECTION AND UP TO \$500 FOR A REPEAT VIOLATION WITHIN 5 YEARS. IF THE CODE ENFORCEMENT BOARD DETERMINES THE VIOLATION PRESENTED A SERIOUS THREAT TO THE PUBLIC HEALTH, SAFETY AND WELFARE OR IF THE VIOLATION IS IRREPARABLE OR IRREVERSIBLE IN NATURE, IT MAY NOTIFY THE CITY OF BUNNELL FOR ABATEMENT OF THE VIOLATION OR IT MAY IMPOSE A FINE NOT TO EXCEED \$5,000 PER VIOLATION. IF A FINE IS NOT PAID, THE CITY MAY RECORD A COPY OF THE CODE ENFORCEMENT BOARD ORDER. THE UNPAID FINE SHALL CONSTITUTE A LIEN AGAINST THE LAND ON WHICH THE VIOLATION OCCURRED AND UPON ANY OTHER REAL OR PERSONAL PROPERTY OWNED BY THE VIOLATOR(S). IF THE LIEN IS NOT SATISFIED, THE CODE ENFORCEMENT BOARD MAY AUTHORIZE FORECLOSURE OF THE LIEN OR THE CITY MAY SEEK PAYMENT BY OTHER LAWFUL MEANS.

YOU ARE ADVISED TO CHECK THE CITY WEBSITE FOR UP-TO-DATE INFORMATION ON ANY CHANGES IN THE MANNER IN WHICH THE HEARING WILL BE HELD AND ITS LOCATION.

AS REQUIRED BY SECTION 286.0105 FLORIDA STATUTES, IF YOU DECIDES TO APPEAL ANY DECISION MADE BY THE BUNNELL CODE ENFORCEMENT BOARD WITH RESPECT TO ANY MATTER CONSIDERED AT THE HEARING, YOU WILL NEED A RECORD OF THE PROCEEDINGS, AND YOU NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH AN APPEAL IS TO BE BASED. IF YOU NEED SPECIAL ASSISTANCE TO PARTICIPATE IN THE PUBLIC HEARING, PLEASE CONTACT THE BUNNELL CITY CLERK AT 386-263-8808 PRIOR TO THE HEARING.

**Gary Harris
Code Enforcement Officer
City of Bunnell
PO Box 756
Bunnell, FL 32110
386-263-8807**



STATEMENT OF VIOLATION
& NOTICE TO APPEAR

March 15, 2023,

CASE NUMBER 22-016

TO: Abama Mama LLC
1 Surrey Court
Palm Coast, FL 32137

VIA: Hand Delivery by Gary Harris to 3220 Steel Rail Drive on March 15, 2023.
Certified mail: Receipt No. 7020 1290 0000 2697 4782
Posting on Property: 3220 Steel Rail Drive, Bunnell, FL 32110 on March 15, 2023.
Posting at City Hall Public Notice Board on March 15, 2023.

IN ACCORDANCE WITH SECTION 162.06(4) AND CITY OF BUNNELL ORDINANCES, NOTICE HAS BEEN PROVIDED TO YOU THAT A VIOLATION OF CASE NUMBER 22-016 ON PROPERTY OWNED BY YOU AND LOCATED AT 3220 STEEL RAIL DRIVE BUNNELL, FLORIDA, (PARCEL ID NUMBER: 34-11-30-5736-00000-0110), TO WIT: PROCEDURES FOR SITE PLAN REVIEW AND APPROVAL.

Bunnell Land Development Code Sec. 22-4. - Procedures for site plan review and approval.

- (a) Site plan thresholds.
 - (1) Major site plan. The following developments shall require major site plan approval:
 - (b). New, nonresidential development comprised of 5,000 square feet or more of new impervious surface area.
 - (2) Minor site plan. The following development shall constitute minor site plans:
 - (b). New, nonresidential development comprised of less than 5,000 square feet of new impervious surface area.
 - (3) Minimal site plan. Any plan not meeting the criteria for major or minor site plan.

Bunnell Land Development Code Sec. 34-120. - L-1 Light industrial district.

- (b) Permitted principal and accessory uses and structures. The following uses shall be permitted in the L-1 Light industrial district.
 - (31) Outside storage is allowable provided that:
 - a. The storage is visually screened from roadways and neighboring properties by a solid fence of six-foot in height or thick vegetation buffer.
 - b. Any storage greater than six feet in height is setback from all property lines a minimum of ten feet.
 - c. The storage is no greater than 15 feet in height.

STAPLES

3.15.2023 11:43



City of Bunnell, Florida

Agenda Item No. 10.

Document Date: 3/20/2023

Code Enforcement Case Number:
Case Number 22-025

Department: Code Enforcement

Subject: Case Number 22-025 City of Bunnell vs. Mattie Hall Estate C/O Elijah - Isaiah
X

Address: 812 Marion Street

Zoning: R-1

Agenda Section: Old Business:

ATTACHMENTS:

Description	Type
Exhibit A - Property Appraiser's Info	Exhibit
Exhibit B - Picture Before Compliance	Exhibit
Exhibit C - Notice of Violation	Exhibit
Exhibit D - NOV/NTA Paperwork Staked & Stapled	Exhibit
Exhibit E - NOV/NTA Paperwork Hand Delivered	Exhibit

Code Excepts: **Bunnell Land Development Code Sec. 66-1. – Connection to city water, sewer and reclaim system.**

(e) All occupied structures connected to the city water and sewer system shall maintain an active utilities account as applicable.

Code of Ordinance Sec. 26-108. - Dangerous buildings.

(a) Definition. All structures which have any or all of the following conditions, such that the life, health, property or safety of the occupants or the general public are endangered, are deemed dangerous buildings:

(4) The building, structure or portion thereof has been damaged by fire, flood, earthquake, wind, or other cause to the extent that the structural integrity of the structure is less than it was prior to the damage and is less than the minimum requirement established by the provisions of the building code, standard fire prevention code or other laws and ordinances of the city and State of Florida.

(5) Any exterior appendage or portion of the structure is not securely fastened, attached or anchored such that it is capable of resisting wind, seismic or similar loads as required by the provisions of the building code, standard fire prevention code or other laws and ordinances of the city.

(7) The building, structure, or portion thereof, as a result of decay, deterioration or dilapidation, is likely to fully or partially collapse.

(9) The building, structure or portion thereof is in such a condition as to

constitute a public nuisance.

(b) Dangerous buildings declared nuisance; abatement required; time limits.

(1) All dangerous buildings are declared to be public nuisances, and shall be repaired, vacated, or demolished as provided in this article. The owner of any structure which constitutes a nuisance shall cause the abatement of the nuisance within 30 days pursuant to this article or in the manner allowed by the building official.

Case Actions
Information:

11-15-22: 812 Marion Street has been empty and the last couple of months a guy is there a lot of the time cleaning up inside the house and he said he was going to see what it would take to fix house repairs. So the COB has picked up trash and house furniture there several times. I told him in order for his trash to be picked up on a scheduled time he would need to open up a Utility account in which he has not done. So today I sent a Certified letter stating the violations and posted the NOV & NTA in his front yard telling him our next CB meeting would be on 12-14-22.

12-15-22: Code Board agreed to continue this case to our February CB meeting to give Elijah who is overseeing the property to have time to apply for permits to fix up house or permits to start procedure to demolish house. Elijah is living in South Carolina, so communication is not as easy as being local in the COB.

1-19-23: Sent certified NOV to PO Box 2505, Summerville, SC 29484 then went and staked NOV at 812 Marion Street. Took pictures of staked NOV. Posted NOV on City bulletin board.

2/9/23: Code Board agreed to continue this case till April due to respondent having to hire legal help to have squatters leave property at 812 Marion Street.

3/15/23: Sent out certified letters for the April 12th code board meeting. Staked NOV & NTA on property and hand delivered NOV hoping respondent will come into compliance before the April code board meeting.

Staff
Recommendation:

Staff recommends the Code Board finds Respondent Elijah-Isaiah in violation of the City of Bunnell Code Section previously cited and to continue this case till our June Code Board meeting. Due to a legal issue where Elijah had to go through Probate for keeping his name on the Property Appraiser's title as owner of property. Sheriff's department just got notice of evicting squatters out of house on March 17th. Once squatters are gone this will open up the ability for respondent to proceed in the demolishment process to be in compliance and to have this case closed.

Owner Information

Primary Owner

[Hall Mattie Et AL](#)

C/O Elijah-Isaiah X

PO Box 2505

Summerville, SC 29484

Parcel Summary

Parcel ID 14-12-30-0650-000B0-0155

Prop ID 11783

Location Address 812 MARION ST

BUNNELL, FL 32110

Brief Tax Description* 0000.24 ACRES BUNNELL DEV CO SUB PART OF TR OR 6 PAGE 289, OR 42 PG 543 PARCEL #5 OR 841 PG 810-DC OR 841 PG 811-ERNEST HALL PR OR 931 PG 816-

PG 815-S EE DEED FOR NAMES OR 2452/1929-QC-KEITH TO ELIJA H

(Note: *The Description above is not to be used on legal documents.)

Property Use Code SINGLE FAMILY (000100)

Tax District CITY OF BUNNELL, BUNNELL CRA AREA WITH MOSQ CONTROL (District 14)

Millage Rate 21.8491

Homestead N

GIS sqft 10,369.578

[View Map](#)

Valuation

	2022 Certified Values	2021 Certified Values	2020 Certified Values	2019 Certified Values
Building Value	\$36,412	\$33,451	\$9,723	\$9,723
Extra Features Value	\$167	\$143	\$176	\$176
Land Value	\$10,250	\$6,600	\$6,000	\$6,000
Land Agricultural Value	\$0	\$0	\$0	\$0
Agricultural (Market) Value	\$0	\$0	\$0	\$0
Just (Market) Value	\$46,829	\$40,194	\$15,899	\$15,899
Assessed Value	\$19,238	\$17,489	\$15,899	\$15,899
Exempt Value	\$0	\$0	\$0	\$0
Taxable Value	\$19,238	\$17,489	\$15,899	\$15,899
Protected Value	\$27,591	\$22,705	\$0	\$0

"Just (Market) Value" description - This is the value established by the Property Appraiser for ad valorem purposes. This value does not represent anticipated selling price.



11.14.2022 14:48



**STATEMENT OF VIOLATION
& NOTICE TO APPEAR**

March 15, 2023,

CASE NUMBER 22-025

**TO: Mattie Hall Et AL
C/O Elijah-Isaiah X
PO Box 2505
Summerville, SC 29484**

VIA: Hand Delivery by Gary Harris to Occupant on March 15, 2023.
Certified mail: Receipt No. 7020 1290 0000 2697 4713.
Posting on Property: 812 Marion St. Bunnell, Fl. 32110 on March 15, 2023.
Posting at City Hall Public Notice Board on March 15, 2023.

Street Address: 812 Marion Street
Bunnell, Fl. 32110

IN ACCORDANCE WITH SECTION 162.06(4) AND CITY OF BUNNELL ORDINANCES, NOTICE HAS BEEN PROVIDED TO YOU THAT A VIOLATION OF SECTION 66-1 AND SECTION 26-108, OF THE CITY OF BUNNELL CODE OF ORDINANCES OCCURRED ON NOVEMBER 15, 2022, ON PROPERTY OWNED BY YOU AND LOCATED AT 812 MARION ST. BUNNELL, FLORIDA, (PARCEL ID NUMBER: 14-12-30-0650-000B0-0155), TO WIT: CONNECTION TO CITY WATER, SEWER, AND RECLAIM SYSTEM AND DANGEROUS BUILDING.

Narrative: *Bunnell Land Development Code Sec. 66-1. – Connection to city water, sewer and reclaim system.*

(e) All occupied structures connected to the city water and sewer system shall maintain an active utilities account as applicable.

Code of Ordinance Sec. 26-108. - Dangerous buildings.

(a) Definition. All structures which have any or all of the following conditions, such that the life, health, property or safety of the occupants or the general public are endangered, are deemed dangerous buildings:

(4) The building, structure or portion thereof has been damaged by fire, flood, earthquake, wind, or other cause to the extent that the structural integrity of the structure is less than it was prior to the damage and is less than the minimum requirement established by the provisions of the building code, standard fire prevention code or other laws and ordinances of the city and State of Florida.

(5) Any exterior appendage or portion of the structure is not securely fastened, attached or anchored such that it is capable of resisting wind, seismic or similar

loads as required by the provisions of the building code, standard fire prevention code or other laws and ordinances of the city.

(7) The building, structure, or portion thereof, as a result of decay, deterioration or dilapidation, is likely to fully or partially collapse.

(9) The building, structure or portion thereof is in such a condition as to constitute a public nuisance.

(b) Dangerous buildings declared nuisance; abatement required; time limits.

(1) All dangerous buildings are declared to be public nuisances, and shall be repaired, vacated, or demolished as provided in this article. The owner of any structure which constitutes a nuisance shall cause the abatement of the nuisance within 30 days pursuant to this article or in the manner allowed by the building official.

Recommended corrective action:

- Provide and activate an active utilities account with the City of Bunnell.
- Add Utility information in your lease letting Tenant know they are responsible to opening an utility account AND it is their responsibility and not yours.
- Within 30 days of this notice, have a state certified and City registered contractor pull a demolition permit for the structure OR have a state certified and City registered contractor submit a building permit application and complete plans to restore the entire building to a safe and structurally sound building.
- Within 1 week of the issuance of the demolition permit, begin the demolition of the structure OR within 1 week of the issuance of the building permit to restore the structure, begin the work to restore and repair the structure.
- Any contractor working on this property must make arrangements for the removal of all construction or demolition debris from property. If using a trucking company to haul the debris, that trucking company must have a City of Bunnell business tax receipt (BTR) to do business within the City limits.

THE VIOLATION IS BASED ON INVESTIGATION BY THE UNDERSIGNED CITY OF BUNNELL CODE ENFORCEMENT OFFICER, WHO IS AVAILABLE TO RESPOND TO ANY QUESTIONS YOU MAY HAVE. IT IS NOT POSSIBLE FOR THE PROPERTY TO FIND COMPLIANCE WITH SECTION 66-1, BECAUSE THIS VIOLATION FOR OBTAINING AN ULTILITY ACCOUNT HAS ALREADY OCCURRED.

YOU ARE HEREBY NOTIFIED THE VIOLATION SHALL BE REVIEWED BY THE CITY OF BUNNELL CODE ENFORCEMENT BOARD ON APRIL 12, 2023, AT 6 PM OR SOON THEREAFTER AT THE BUNNELL CITY HALL, AT WHICH TIME CODE ENFORCEMENT MAY 1) DISMISS THE VIOLATION IF COMPLIANCE HAS OCCURRED; 2) REQUEST CONTINUANCE OF THE CASE; OR 3) PRESENT TESTIMONY AND EVIDENCE OF THE VIOLATION TO THE CODE ENFORCEMENT BOARD.

AT THE HEARING, THE CITY OF BUNNELL CODE ENFORCEMENT BOARD MAY FIND THE VIOLATION OCCURRED AS NOTICED AND IMPOSE A FINE UP TO \$250 FOR THE FIRST VIOLATION OF THE CODE SECTION AND UP TO \$500 FOR A

REPEAT VIOLATION WITHIN 5 YEARS. IF THE CODE ENFORCEMENT BOARD DETERMINES THE VIOLATION PRESENTED A SERIOUS THREAT TO THE PUBLIC HEALTH, SAFETY AND WELFARE OR IF THE VIOLATION IS IRREPARABLE OR IRREVERSIBLE IN NATURE, IT MAY NOTIFY THE CITY OF BUNNELL FOR ABATEMENT OF THE VIOLATION OR IT MAY IMPOSE A FINE NOT TO EXCEED \$5,000 PER VIOLATION. IF A FINE IS NOT PAID, THE CITY MAY RECORD A COPY OF THE CODE ENFORCEMENT BOARD ORDER. THE UNPAID FINE SHALL CONSTITUTE A LIEN AGAINST THE LAND ON WHICH THE VIOLATION OCCURRED AND UPON ANY OTHER REAL OR PERSONAL PROPERTY OWNED BY THE VIOLATOR(S). IF THE LIEN IS NOT SATISFIED, THE CODE ENFORCEMENT BOARD MAY AUTHORIZE FORECLOSURE OF THE LIEN OR THE CITY MAY SEEK PAYMENT BY OTHER LAWFUL MEANS.

YOU ARE ADVISED TO CHECK THE CITY WEBSITE FOR UP-TO-DATE INFORMATION ON ANY CHANGES IN THE MANNER IN WHICH THE HEARING WILL BE HELD AND ITS LOCATION.

AS REQUIRED BY SECTION 286.0105 FLORIDA STATUTES, IF YOU DECIDES TO APPEAL ANY DECISION MADE BY THE BUNNELL CODE ENFORCEMENT BOARD WITH RESPECT TO ANY MATTER CONSIDERED AT THE HEARING, YOU WILL NEED A RECORD OF THE PROCEEDINGS, AND YOU NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH AN APPEAL IS TO BE BASED. IF YOU NEED SPECIAL ASSISTANCE TO PARTICIPATE IN THE PUBLIC HEARING, PLEASE CONTACT THE BUNNELL CITY CLERK AT 386-263-8808 PRIOR TO THE HEARING.

Gary Harris
Code Enforcement Officer
City of Bunnell
PO Box 756
Bunnell, FL 32110
386-263-8807



**STATEMENT OF VIOLATION
& NOTICE TO APPEAR**

March 15, 2023,

CASE NUMBER 22-025

TO: Mattie Hall Et AL
C/O Elijah-Isaiah X
PO Box 2505
Summerville, SC 29484

VIA: Hand Delivery by Gary Harris to Occupant on March 15, 2023.
Certified mail: Receipt No. 7020 1290 0000 2697 4713.
Posting on Property: 812 Marion St. Bunnell, FL 32110 on March 15, 2023.
Posting at City Hall Public Notice Board on March 15, 2023.

Street Address: 812 Marion Street
Bunnell, FL 32110

IN ACCORDANCE WITH SECTION 162.06(4) AND CITY OF BUNNELL ORDINANCES, NOTICE HAS BEEN PROVIDED TO YOU THAT A VIOLATION OF SECTION 66-1 AND SECTION 26-108, OF THE CITY OF BUNNELL CODE OF ORDINANCES OCCURRED ON NOVEMBER 15, 2022, ON PROPERTY OWNED BY YOU AND LOCATED AT 812 MARION ST. BUNNELL, FLORIDA, (PARCEL ID NUMBER: 14-12-30-0650-000B0-0155), TO WIT: CONNECTION TO CITY WATER, SEWER, AND RECLAIM SYSTEM AND DANGEROUS BUILDING.

Narrative: Bunnell Land Development Code Sec. 66-1. – Connection to city water, sewer and reclaim system.

(e) All occupied structures connected to the city water and sewer system shall maintain an active utilities account as applicable.

Code of Ordinance Sec. 26-108. - Dangerous buildings.

(a) Definition. All structures which have any or all of the following conditions, such that the life, health, property or safety of the occupants or the general public are endangered, are deemed dangerous buildings:

(4) The building, structure or portion thereof has been damaged by fire, flood, earthquake, wind, or other cause to the extent that the structural integrity of the structure is less than it was prior to the damage and is less than the minimum requirement established by the provisions of the building code, standard fire prevention code or other laws and ordinances of the city and State of Florida.

(5) Any exterior appendage or portion of the structure is not securely fastened, attached or anchored such that it is capable of resisting wind, seismic or similar

3.15.2023 14:23



**STATEMENT OF VIOLATION
& NOTICE TO APPEAR**

March 15, 2023,

CASE NUMBER 22-025

TO: Mattie Hall Et AL
C/O Elijah-Isaiah X
PO Box 2505
Summerville, SC 29484

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Section 66-1, Bunnell Land Development Code Sec. 66-1. - Connection to city water, and reclaim system.
Occupied structures connected to the city water and sewer system shall maintain an active utilities account as applicable.

Code of Ordinance Sec. 26-108. - Dangerous buildings.
(a) Definition. All structures which have any or all of the following conditions, such that the life, health, property or safety of the occupants or the general public are endangered, are deemed dangerous buildings:
(4) The building, structure or portion thereof has been damaged by fire, flood, earthquake, wind, or other cause to the extent that the structural integrity of the structure is less than it was prior to the damage and is less than the minimum requirement established by the provisions of the building code, standard fire prevention code or other laws and ordinances of the city and State of Florida.
(5) Any exterior appendage or portion of the structure is not securely fastened, attached or anchored such that it is capable of resisting wind, seismic or similar

3.15.2023 14:24



City of Bunnell, Florida

Agenda Item No. 11.

Document Date: 3/21/2023

Code Enforcement Case Number:
Case Number 23-004

Department: Code Enforcement

Subject: Case Number 23-004 City of Bunnell vs. Palm Coast Flagler Beach Realty

Address: 2729 E. Moody Blvd.

Zoning: B-1

Agenda Section: New Business:

ATTACHMENTS:

Description	Type
Exhibit A - Property Appraiser's Info	Exhibit
Exhibit B - Picture Before Compliance	Exhibit
Exhibit C - Notice of Violation	Exhibit
Exhibit D - NOV/NTA Paperwork Staked & Stapled	Exhibit
Exhibit E - NOV/NTA Paperwork Hand Delivered	Exhibit

Code Excepts: **Section 205.053 Business tax receipts; dates due and delinquent; penalties.**

(1) All business tax receipts shall be sold by the appropriate tax collector beginning July 1 of each year, are due and payable on or before September 30 of each year and expire on September 30 of the succeeding year. If September 30 falls on a weekend or holiday, the tax is due and payable on or before the first working day following September 30. Provisions for partial receipts may be made in the resolution or ordinance authorizing such receipts. Receipts that are not renewed when due and payable are delinquent and subject to a delinquency penalty of 10 percent for the month of October, plus an additional 5 percent penalty for each subsequent month of delinquency until paid. However, the total delinquency penalty may not exceed 25 percent of the business tax for the delinquent establishment.

(2) Any person who engages in or manages any business, occupation, or profession without first obtaining a local business tax receipt, if required, is subject to a penalty of 25 percent of the tax due, in addition to any other penalty provided by law or ordinance.

(3) Any person who engages in any business, occupation, or profession covered by this chapter, who does not pay the required business tax within 150 days after the initial notice of tax due, and who does not obtain the required receipt is subject to civil actions and penalties, including court costs,

reasonable attorneys' fees, additional administrative costs incurred as a result of collection efforts, and a penalty of up to \$250.

Sec. 58-39. - Business tax receipts; dates due and delinquent, notices; penalties.

(a) All business tax receipts for businesses located in the city shall be sold by the city beginning August 1 of each year, are due and payable on or before September 30 of each year and expire on September 30 of the succeeding year. If September 30 falls on a weekend or holiday, the tax is due and payable on or before the first working day following September 30.

2) Receipts that are not renewed when due and payable are delinquent and subject to a delinquency penalty of ten percent for the month of October, plus an additional five-percent penalty for each subsequent month of delinquency until paid. However, the total delinquency penalty may not exceed 25 percent of the business tax for the delinquent establishment.

(3) The city shall not be required to send notices to receipt holders with respect to the payment or nonpayment of business taxes and it shall be no defense of nonpayment of any business tax that the receipt holder did not receive any notice or invoice stating the business tax was due.

(d) Any person who engages in any business, occupation, or profession covered by this chapter, who does not pay the required business tax within 150 days after the initial notice of tax due, and who does not obtain the required receipt is subject to civil actions and penalties, including court costs, reasonable attorneys' fees, additional administrative costs incurred as a result of collection efforts, and a penalty of up to \$250.00.

Case Actions Information:	3/15/23: Sent out certified letters for the April 12th code board meeting. Staked NOV & NTA on property and hand delivered NOV hoping respondent will come into compliance before the April code board meeting.
Staff Recommendation:	Staff recommends the Code Board finds Respondent Scott Nieminen in violation of the City of Bunnell Code Section previously cited. The penalty for this violation is a one-time \$250.00 and to continue this case to the June 14th Code Board meeting.

Owner Information

Primary Owner
Stonce LLC
123 N Starling Drive
Palm Coast, FL 32164

Parcel Summary

Parcel ID 11-12-30-0650-000D0-0010
Prop ID 11212
Location Address 2729 E MOODY BLVD UNIT 101
BUNNELL, FL 32110
Brief Tax Description* 4.83 AC BUNNELL DEV CO SUBD WLY 210' OF TR 2 BLK D AND SLY 225' OF NLY 625' TRACT 3 OR 312 PG 487 OR 330 PG 179 OR 718 PG 1367 OR 718 PG 1994 ORD
2000-11 ANNEXATION OR 1015 PG 250
*(Note: *The Description above is not to be used on legal documents.)*
Property Use Code MIXED COMMERCIAL (001210)
Tax District BUNNELL AREA WITH MOSQUITO CONTROL (District 15)
Millage Rate 21.8491
Homestead N
GIS sqft 208,035.324

[View Map](#)

Valuation

	2022 Certified Values	2021 Certified Values	2020 Certified Values	2019 Certified Values
Building Value	\$2,590,000	\$2,070,000	\$1,959,999	\$1,740,000
Extra Features Value	\$0	\$0	\$0	\$0
Land Value	\$0	\$0	\$0	\$0
Land Agricultural Value	\$0	\$0	\$0	\$0
Agricultural (Market) Value	\$0	\$0	\$0	\$0
Just (Market) Value	\$2,590,000	\$2,070,000	\$1,959,999	\$1,740,000
Assessed Value	\$2,590,000	\$1,800,843	\$1,637,130	\$1,488,300
Exempt Value	\$0	\$0	\$0	\$0
Taxable Value	\$2,590,000	\$1,800,843	\$1,637,130	\$1,488,300
Protected Value	\$0	\$269,157	\$322,869	\$251,700

ALL

Payments, Complaints, And Inquiries

Should go to

Scott Nieminen

AT

Palm Coast Flagler Beach Realty

1 Hargrove Grade Suite 2

Palm Coast, FL 32137

386-447-3004

PAYMENTS ARE NO LONG

ACCEPTED HERE

1.4.2023 14:50



STATEMENT OF VIOLATION & NOTICE TO APPEAR

March 15, 2023,

CASE NUMBER 23-004

**TO: Palm Coast Flagler Beach Realty
1 Hargrove Grade Suite 2
Palm Coast, Fl. 32137**

VIA: Hand Delivery by Gary Harris to 1 Hargrove Grade Suite 2 on March 15, 2023.
Certified mail: Receipt No. 7020 1290 0000 2697 4690
Posting on Property: 1 Hargrove Grade Ste 2, Bunnell, Fl. 32110 on March 15, 2023.
Posting at City Hall Public Notice Board on March 15, 2023.

Street Address: 2729 E. Moody Blvd.

Legal Description: 4.83 AC BUNNELL DEV CO SUBD WLY 210' OF TR 2 BLK D AND SLY 225' OF NLY 625' TRACT 3 OR 312 PG 487 OR 330 PG 179 OR 718 PG 1367 OR 718 PG 1994 ORD 2000-11 ANNEXATION OR 1015 PG 250

IN ACCORDANCE WITH SECTION 162.06(4) AND CITY OF BUNNELL ORDINANCES, NOTICE HAS BEEN PROVIDED TO YOU THAT A VIOLATION OF CASE NUMBER 23-004 ON PROPERTY OWNED BY YOU AND LOCATED AT 2729 E. MOODY BLVD., BUNNELL, FLORIDA, (PARCEL ID NUMBER: 11-12-30-0650-000D0-0010), TO WIT: BUSINESS TAX RECEIPTS; DATES DUE AND DELINQUENT, NOTICES; PENALTIES.

Section 205.053 Business tax receipts; dates due and delinquent; penalties.—

(1) All business tax receipts shall be sold by the appropriate tax collector beginning July 1 of each year, are due and payable on or before September 30 of each year and expire on September 30 of the succeeding year. If September 30 falls on a weekend or holiday, the tax is due and payable on or before the first working day following September 30. Provisions for partial receipts may be made in the resolution or ordinance authorizing such receipts. Receipts that are not renewed when due and payable are delinquent and subject to a delinquency penalty of 10 percent for the month of October, plus an additional 5 percent penalty for each subsequent month of delinquency until paid. However, the total delinquency penalty may not exceed 25 percent of the business tax for the delinquent establishment.

(2) Any person who engages in or manages any business, occupation, or profession without first obtaining a local business tax receipt, if required, is subject to a penalty of 25 percent of the tax due, in addition to any other penalty provided by law or ordinance.

(3) Any person who engages in any business, occupation, or profession covered by this chapter, who does not pay the required business tax within 150 days after the initial notice of tax due, and who does not obtain the required receipt is subject to civil actions and penalties, including court costs, reasonable attorneys' fees, additional administrative costs incurred as a result of collection efforts, and a penalty of up to \$250.

Sec. 58-39. - Business tax receipts; dates due and delinquent, notices; penalties.

(a) All business tax receipts for businesses located in the city shall be sold by the city beginning August 1 of each year, are due and payable on or before September 30 of each year and expire on September 30 of the succeeding year. If September 30 falls on a weekend or holiday, the tax is due and payable on or before the first working day following September 30.

(2) Receipts that are not renewed when due and payable are delinquent and subject to a delinquency penalty of ten percent for the month of October, plus an additional five-percent penalty for each subsequent month of delinquency until paid. However, the total delinquency penalty may not exceed 25 percent of the business tax for the delinquent establishment.

(3) The city shall not be required to send notices to receipt holders with respect to the payment or nonpayment of business taxes and it shall be no defense of nonpayment of any business tax that the receipt holder did not receive any notice or invoice stating the business tax was due.

(d) Any person who engages in any business, occupation, or profession covered by this chapter, who does not pay the required business tax within 150 days after the initial notice of tax due, and who does not obtain the required receipt is subject to civil actions and penalties, including court costs, reasonable attorneys' fees, additional administrative costs incurred as a result of collection efforts, and a penalty of up to \$250.00.

Being the Owner/Tenant/Landlord of said following property, described as:
2729 E. Moody Blvd., City of Bunnell, County of Flagler, State of Florida
Parcel ID number: 11-12-30-0650-000D0-0010

Recommended corrective action:

- Pay all outstanding BTR fees for the City of Bunnell to the Deputy City Clerk (bgunnells@bunnellcity.us 386-313-4160).

THE VIOLATION IS BASED ON INVESTIGATION BY THE UNDERSIGNED CITY OF BUNNELL CODE ENFORCEMENT OFFICER, WHO IS AVAILABLE TO RESPOND TO ANY QUESTIONS YOU MAY HAVE. IT IS NOT POSSIBLE FOR THE PROPERTY TO FIND COMPLIANCE WITH CASE 23-004, UNLESS THIS VIOLATION FOR FLORIDA BUILDING CODE – BUSINESS TAX RECEIPTS.

YOU ARE HEREBY NOTIFIED THE VIOLATION SHALL BE REVIEWED BY THE CITY OF BUNNELL CODE ENFORCEMENT BOARD ON APRIL 12, 2023, AT 6 PM OR SOON THEREAFTER AT THE BUNNELL CITY HALL, AT WHICH TIME CODE

ENFORCEMENT MAY 1) DISMISS THE VIOLATION IF COMPLAINT HAS OCCURRED; 2) REQUEST CONTINUANCE OF THE CASE; OR 3) PRESENT TESTIMONY AND EVIDENCE OF THE VIOLATION TO THE CODE ENFORCEMENT BOARD.

AT THE HEARING, THE CITY OF BUNNELL CODE ENFORCEMENT BOARD MAY FIND THE VIOLATION OCCURRED AS NOTICED AND IMPOSE A FINE UP TO \$250 FOR THE FIRST VIOLATION OF THE CODE SECTION AND UP TO \$500 FOR A REPEAT VIOLATION WITHIN 5 YEARS. IF THE CODE ENFORCEMENT BOARD DETERMINES THE VIOLATION PRESENTED A SERIOUS THREAT TO THE PUBLIC HEALTH, SAFETY AND WELFARE OR IF THE VIOLATION IS IRREPARABLE OR IRREVERSIBLE IN NATURE, IT MAY NOTIFY THE CITY OF BUNNELL FOR ABATEMENT OF THE VIOLATION OR IT MAY IMPOSE A FINE NOT TO EXCEED \$5,000 PER VIOLATION. IF A FINE IS NOT PAID, THE CITY MAY RECORD A COPY OF THE CODE ENFORCEMENT BOARD ORDER. THE UNPAID FINE SHALL CONSTITUTE A LIEN AGAINST THE LAND ON WHICH THE VIOLATION OCCURRED AND UPON ANY OTHER REAL OR PERSONAL PROPERTY OWNED BY THE VIOLATOR(S). IF THE LIEN IS NOT SATISFIED, THE CODE ENFORCEMENT BOARD MAY AUTHORIZE FORECLOSURE OF THE LIEN OR THE CITY MAY SEEK PAYMENT BY OTHER LAWFUL MEANS.

YOU ARE ADVISED TO CHECK THE CITY WEBSITE FOR UP-TO-DATE INFORMATION ON ANY CHANGES IN THE MANNER IN WHICH THE HEARING WILL BE HELD AND ITS LOCATION.

AS REQUIRED BY SECTION 286.0105 FLORIDA STATUTES, IF YOU DECIDES TO APPEAL ANY DECISION MADE BY THE BUNNELL CODE ENFORCEMENT BOARD WITH RESPECT TO ANY MATTER CONSIDERED AT THE HEARING, YOU WILL NEED A RECORD OF THE PROCEEDINGS, AND YOU NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH AN APPEAL IS TO BE BASED. IF YOU NEED SPECIAL ASSISTANCE TO PARTICIPATE IN THE PUBLIC HEARING, PLEASE CONTACT THE BUNNELL CITY CLERK AT 386-263-8808 PRIOR TO THE HEARING.

**Gary Harris
Code Enforcement Officer
City of Bunnell
PO Box 756
Bunnell, FL 32110
386-263-880**



STATEMENT OF VIOLATION & NOTICE TO APPEAR

March 15, 2023,

CASE NUMBER 23-004

TO: Palm Coast Flagler Beach Realty
1 Hargrove Grade Suite 2
Palm Coast, Fl. 32137

VIA: Hand Delivery by Gary Harris to 1 Hargrove Grade Suite 2 on March 15, 2023.
Certified mail: Receipt No. 7020 1290 0000 2697 4690
Posting on Property: 1 Hargrove Grade Ste 2, Bunnell, Fl. 32110 on March 15, 2023.
Posting at City Hall Public Notice Board on March 15, 2023.

Street Address: 2729 E. Moody Blvd.

Legal Description: 4.83 AC BUNNELL DEV CO SUBD WLY 210' OF TR 2 BLK D
AND SLY 225' OF NLY 625' TRACT 3 OR 312 PG 487 OR 330 PG 179 OR 718 PG 1367
OR 718 PG 1994 ORD 2000-11 ANNEXATION OR 1015 PG 250

IN ACCORDANCE WITH SECTION 162.06(4) AND CITY OF BUNNELL ORDINANCES,
NOTICE HAS BEEN PROVIDED TO YOU THAT A VIOLATION OF CASE NUMBER 23-
004 ON PROPERTY OWNED BY YOU AND LOCATED AT 2729 E. MOODY BLVD.,
BUNNELL, FLORIDA, (PARCEL ID NUMBER: 11-12-30-0650-000D0-0010), TO WIT:
BUSINESS TAX RECEIPTS; DATES DUE AND DELINQUENT, NOTICES;
PENALTIES.

Section 205.053 Business tax receipts; dates due and delinquent; penalties.—

(1) All business tax receipts shall be sold by the appropriate tax collector beginning July 1 of each year, are due and payable on or before September 30 of each year and expire on September 30 of the succeeding year. If September 30 falls on a weekend or holiday, the tax is due and payable on or before the first working day following September 30. Provisions for partial receipts may be made in the resolution or ordinance authorizing such receipts. Receipts that are not renewed when due and payable are delinquent and subject to a delinquency penalty of 10 percent for the month of October, plus an additional 5 percent penalty for each subsequent month of delinquency until paid. However, the total delinquency penalty may not exceed 25 percent of the business tax for the delinquent establishment.

(2) Any person who engages in or manages any business, occupation, or profession without first obtaining a local business tax receipt, if required, is subject to a penalty of 25 percent of the tax due, in addition to any other penalty provided by law or ordinance.

3.15.2023 11:25



STATEMENT OF VIOLATION & NOTICE TO APPEAR

March 15, 2023,

TO: Palm Coast Flagler Beach Realty
1 Hargrove Grate Suite 2
Palm Coast, FL 32137

CASE NUMBER 2023-0004

VIA: Hand Delivery by Gary Harris to 1 Hargrove Grate Suite 2 on March 15, 2023.
Certified mail: Receipt No. 7020 1290 0000 2557
Posting on Property: 1 Hargrove Grate Suite 2, Bunnell, FL 32110 on March 15, 2023.
Posting at City Hall Public Notice Board on March 15, 2023.

Street Address: 2729 E. Moody Blvd.
Legal Description: 4.83 AC BUNNELL DEV CO'S SUBDIVISION OF TR 2 BLK D AND SLY 225' OF NLY 625' TRACT 3 OR 312 PG 457 OR 10/15/1994 PG 1367 718 PG 1994 ORD 2000-11 ANNEXATION OR 10/15/1994

IN ACCORDANCE WITH SECTION 162.06(4) AND CITY OF BUNNELL ORDINANCE 2003-04 NOTICE HAS BEEN PROVIDED TO YOU THAT A VIOLATION OF CASE NUMBER 2023-0004 ON PROPERTY OWNED BY YOU AND LOCATED AT 2729 E. MOODY BLVD., BUNNELL, FLORIDA, (PARCEL ID NUMBER: 11-12-30-0684-000000000000) HAS BEEN IDENTIFIED. BUSINESS TAX RECEIPTS; DATES DUE AND DELINQUENT; NOTICE AND PENALTIES.

Section 205.053 Business tax receipts; dates due and delinquent; penalties.
(1) All business tax receipts shall be sold by the appropriate tax collector beginning July 1 of each year, are due and payable on or before September 30 of each year and expire on September 30 of the succeeding year. If September 30 falls on a weekend or holiday, the tax is due and payable on or before the first working day following September 30. Provisions for partial receipts may be made in the resolution or ordinance authorizing such receipts. Receipts that are not renewed when due and payable are delinquent and subject to a delinquency penalty of 10 percent for the month of October, plus an additional 5 percent penalty for each subsequent month of delinquency until paid. However, the total delinquency penalty may not exceed 25 percent of the business tax for the delinquent establishment.

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3.15.2023 11:25



City of Bunnell, Florida

Agenda Item No. 12.

Document Date: 3/21/2023

Code Enforcement Case Number:
Case Number 23-005

Department: Code Enforcement

Subject: Case Number 23-005 City of Bunnell vs. William Rodriguez

Address: 317 Grand Reserve Drive

Zoning: PUD

Agenda Section: New Business:

ATTACHMENTS:

Description	Type
Exhibit A - Property Appraiser's Info	Exhibit
Exhibit B - Picture Before Compliance	Exhibit
Exhibit C - Notice of Violation	Exhibit
Exhibit D - NOV/NTA Paperwork Staked & Stapled	Exhibit
Exhibit E - NOV/NTA Paperwork Hand Delivered	Exhibit

Code Excepts: **Section 205.053 Business tax receipts; dates due and delinquent; penalties.**

(1) All business tax receipts shall be sold by the appropriate tax collector beginning July 1 of each year, are due and payable on or before September 30 of each year and expire on September 30 of the succeeding year. If September 30 falls on a weekend or holiday, the tax is due and payable on or before the first working day following September 30. Provisions for partial receipts may be made in the resolution or ordinance authorizing such receipts. Receipts that are not renewed when due and payable are delinquent and subject to a delinquency penalty of 10 percent for the month of October, plus an additional 5 percent penalty for each subsequent month of delinquency until paid. However, the total delinquency penalty may not exceed 25 percent of the business tax for the delinquent establishment.

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reasonable attorneys' fees, additional administrative costs incurred as a result of collection efforts, and a penalty of up to \$250.

Sec. 58-39. - Business tax receipts; dates due and delinquent, notices; penalties.

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Case Actions Information: 3/15/23: Sent out certified letters for the April 12th code board meeting. Staked NOV & NTA on property and hand delivered NOV hoping respondent will come into compliance before the April code board meeting.

Staff Recommendation: Staff recommends the Code Board finds Respondent William Rodriguez in violation of the City of Bunnell Code Section previously cited. The penalty for this violation is a one-time \$250.00 and to continue this case to the June 14th Code Board meeting.

Owner Information

Primary Owner

Soto Dora E & William Rodriguez Cartagena
& Imelda Luzania H&W Jtwros
317 Grand Reserve Drive
Bunnell, FL 32110

Parcel Summary

Parcel ID	03-12-30-2975-00000-0400
Prop ID	9868
Location Address	317 GRAND RESERVE DR BUNNELL, FL 32110
Brief Tax Description*	GRAND RESERVE & GOLF CLUB,RPUD UNIT 1 MB 36 PG 100 LOT 40 OR 1833/825 OR 2197/1402 OR 2368/1616-JTWROS <i>(Note: *The Description above is not to be used on legal documents.)</i>
Property Use Code	SINGLE FAMILY (000100)
Tax District	CITY OF BUNNELL, DEER RUN CDD WITH MOSQUITO CONTROL (District 16)
Millage Rate	21.8491
Homestead	Y
GIS sqft	10,070.640

[View Map](#)

Valuation

	2022 Certified Values	2021 Certified Values	2020 Certified Values	2019 Certified Values
Building Value	\$332,233	\$258,275	\$224,342	\$0
Extra Features Value	\$4,784	\$4,439	\$4,077	\$0
Land Value	\$50,500	\$35,000	\$21,000	\$21,000
Land Agricultural Value	\$0	\$0	\$0	\$0
Agricultural (Market) Value	\$0	\$0	\$0	\$0
Just (Market) Value	\$387,517	\$297,714	\$249,419	\$21,000
Assessed Value	\$260,498	\$252,911	\$249,419	\$21,000
Exempt Value	\$50,000	\$50,000	\$50,000	\$0
Taxable Value	\$210,498	\$202,911	\$199,419	\$21,000
Protected Value	\$127,019	\$44,803	\$0	\$0



3.15.2023 11:52



STATEMENT OF VIOLATION & NOTICE TO APPEAR

March 15, 2023,

CASE NUMBER 23-005

**TO: William Rodriguez
317 Grand Reserve Drive
Bunnell, FL. 32110**

VIA: Hand Delivery by Gary Harris to 317 Grand Reserve Drive on March 15, 2023.
Certified mail: Receipt No. 7020 1290 0000 2697 4683
Posting on Property: 317 Grand Reserve Dr., Bunnell, FL. 32110 on March 15, 2023.
Posting at City Hall Public Notice Board on March 15, 2023.

Street Address: 317 Grand Reserve Drive

Legal Description: GRAND RESERVE & GOLF CLUB, RPUD UNIT 1 MB 36 PG
100 LOT 40 OR 1833/825 OR 2197/1402 OR 2368/1616-JTWROS

IN ACCORDANCE WITH SECTION 162.06(4) AND CITY OF BUNNELL ORDINANCES, NOTICE HAS BEEN PROVIDED TO YOU THAT A VIOLATION OF CASE NUMBER 23-005 ON PROPERTY OWNED BY YOU AND LOCATED AT 317 GRAND RESERVE DRIVE, BUNNELL, FLORIDA, (PARCEL ID NUMBER: 03-12-30-2975-00000-0400), TO WIT: BUSINESS TAX RECEIPTS; DATES DUE AND DELINQUENT, NOTICES; PENALTIES.

Section 205.053 Business tax receipts; dates due and delinquent; penalties.—

(1) All business tax receipts shall be sold by the appropriate tax collector beginning July 1 of each year, are due and payable on or before September 30 of each year and expire on September 30 of the succeeding year. If September 30 falls on a weekend or holiday, the tax is due and payable on or before the first working day following September 30. Provisions for partial receipts may be made in the resolution or ordinance authorizing such receipts. Receipts that are not renewed when due and payable are delinquent and subject to a delinquency penalty of 10 percent for the month of October, plus an additional 5 percent penalty for each subsequent month of delinquency until paid. However, the total delinquency penalty may not exceed 25 percent of the business tax for the delinquent establishment.

(2) Any person who engages in or manages any business, occupation, or profession without first obtaining a local business tax receipt, if required, is subject to a penalty of 25 percent of the tax due, in addition to any other penalty provided by law or ordinance.

(3) Any person who engages in any business, occupation, or profession covered by this chapter, who does not pay the required business tax within 150 days after the initial

notice of tax due, and who does not obtain the required receipt is subject to civil actions and penalties, including court costs, reasonable attorneys' fees, additional administrative costs incurred as a result of collection efforts, and a penalty of up to \$250.

Sec. 58-39. - Business tax receipts; dates due and delinquent, notices; penalties.

(a) All business tax receipts for businesses located in the city shall be sold by the city beginning August 1 of each year, are due and payable on or before September 30 of each year and expire on September 30 of the succeeding year. If September 30 falls on a weekend or holiday, the tax is due and payable on or before the first working day following September 30.

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(d) Any person who engages in any business, occupation, or profession covered by this chapter, who does not pay the required business tax within 150 days after the initial notice of tax due, and who does not obtain the required receipt is subject to civil actions and penalties, including court costs, reasonable attorneys' fees, additional administrative costs incurred as a result of collection efforts, and a penalty of up to \$250.00.

Being the Owner/Tenant/Landlord of said following property, described as:

317 Grand Reserve Dr., City of Bunnell, County of Flagler, State of Florida

Parcel ID number: 03-12-30-2975-00000-0400

Recommended corrective action:

- Pay all outstanding BTR fees for the City of Bunnell to the Deputy City Clerk (bgunnells@bunnellcity.us 386-313-4160).

THE VIOLATION IS BASED ON INVESTIGATION BY THE UNDERSIGNED CITY OF BUNNELL CODE ENFORCEMENT OFFICER, WHO IS AVAILABLE TO RESPOND TO ANY QUESTIONS YOU MAY HAVE. IT IS NOT POSSIBLE FOR THE PROPERTY TO FIND COMPLIANCE WITH CASE 23-005, UNLESS THIS VIOLATION FOR FLORIDA BUILDING CODE – BUSINESS TAX RECEIPTS.

YOU ARE HEREBY NOTIFIED THE VIOLATION SHALL BE REVIEWED BY THE CITY OF BUNNELL CODE ENFORCEMENT BOARD ON APRIL 12, 2023, AT 6 PM OR SOON THEREAFTER AT THE BUNNELL CITY HALL, AT WHICH TIME CODE ENFORCEMENT MAY 1) DISMISS THE VIOLATION IF COMPLAINEE HAS OCCURRED; 2) REQUEST CONTINUANCE OF THE CASE; OR 3) PRESENT

TESTIMONY AND EVIDENCE OF THE VIOLATION TO THE CODE ENFORCEMENT BOARD.

AT THE HEARING, THE CITY OF BUNNELL CODE ENFORCEMENT BOARD MAY FIND THE VIOLATION OCCURRED AS NOTICED AND IMPOSE A FINE UP TO \$250 FOR THE FIRST VIOLATION OF THE CODE SECTION AND UP TO \$500 FOR A REPEAT VIOLATION WITHIN 5 YEARS. IF THE CODE ENFORCEMENT BOARD DETERMINES THE VIOLATION PRESENTED A SERIOUS THREAT TO THE PUBLIC HEALTH, SAFETY AND WELFARE OR IF THE VIOLATION IS IRREPARABLE OR IRREVERSIBLE IN NATURE, IT MAY NOTIFY THE CITY OF BUNNELL FOR ABATEMENT OF THE VIOLATION OR IT MAY IMPOSE A FINE NOT TO EXCEED \$5,000 PER VIOLATION. IF A FINE IS NOT PAID, THE CITY MAY RECORD A COPY OF THE CODE ENFORCEMENT BOARD ORDER.THE UNPAID FINE SHALL CONSTITUTE A LIEN AGAINST THE LAND ON WHICH THE VIOLATION OCCURRED AND UPON ANY OTHER REAL OR PERSONAL PROPERTY OWNED BY THE VIOLATOR(S). IF THE LIEN IS NOT SATISFIED, THE CODE ENFORCEMENT BOARD MAY AUTHORIZE FORECLOSURE OF THE LIEN OR THE CITY MAY SEEK PAYMENT BY OTHER LAWFUL MEANS.

YOU ARE ADVISED TO CHECK THE CITY WEBSITE FOR UP-TO-DATE INFORMATION ON ANY CHANGES IN THE MANNER IN WHICH THE HEARING WILL BE HELD AND ITS LOCATION.

AS REQUIRED BY SECTION 286.0105 FLORIDA STATUTES, IF YOU DECIDES TO APPEAL ANY DECISION MADE BY THE BUNNELL CODE ENFORCEMENT BOARD WITH RESPECT TO ANY MATTER CONSIDERED AT THE HEARING, YOU WILL NEED A RECORD OF THE PROCEEDINGS, AND YOU NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH AN APPEAL IS TO BE BASED. IF YOU NEED SPECIAL ASSISTANCE TO PARTICIPATE IN THE PUBLIC HEARING, PLEASE CONTACT THE BUNNELL CITY CLERK AT 386-263-8808 PRIOR TO THE HEARING.

**Gary Harris
Code Enforcement Officer
City of Bunnell
PO Box 756
Bunnell, FL 32110
386-263-880**



STATEMENT OF VIOLATION & NOTICE TO APPEAR

March 15, 2023, CASE NUMBER 23-005

TO: William Rodriguez
317 Grand Reserve Drive
Bunnell, Fl. 32110

VIA: Hand Delivery by Gary Harris to 317 Grand Reserve Drive on March 15, 2023.
Certified mail: Receipt No. 7020 1290 0000 2697 4683
Posting on Property: 317 Grand Reserve Dr., Bunnell, Fl. 32110 on March 15, 2023.
Posting at City Hall Public Notice Board on March 15, 2023.

Street Address: 317 Grand Reserve Drive
Legal Description: GRAND RESERVE & GOLF CLUB, RPUD UNIT 1 MB 36 PG 100
LOT 40 OR 1833/825 OR 2197/1402 OR 2368/1616-JTWROS

IN ACCORDANCE WITH SECTION 162.06(4) AND CITY OF BUNNELL ORDINANCES,
NOTICE HAS BEEN PROVIDED TO YOU THAT A VIOLATION OF CASE NUMBER 23-
005 ON PROPERTY OWNED BY YOU AND LOCATED AT 317 GRAND RESERVE
DRIVE, BUNNELL, FLORIDA, (PARCEL ID NUMBER: 03-12-30-2975-00000-0400), TO
WIT: BUSINESS TAX RECEIPTS; DATES DUE AND DELINQUENT, NOTICES;
PENALTIES.

- Section 205.053 Business tax receipts; dates due and delinquent; penalties.—**
- (1) All business tax receipts shall be sold by the appropriate tax collector beginning July 1 of each year, are due and payable on or before September 30 of each year and expire on September 30 of the succeeding year. If September 30 falls on a weekend or holiday, the tax is due and payable on or before the first working day following September 30. Provisions for partial receipts may be made in the resolution or ordinance authorizing such receipts. Receipts that are not renewed when due and payable are delinquent and subject to a delinquency penalty of 10 percent for the month of October, plus an additional 5 percent penalty for each subsequent month of delinquency until paid. However, the total delinquency penalty may not exceed 25 percent of the business tax for the delinquent establishment.
 - (2) Any person who engages in or manages any business, occupation, or profession without first obtaining a local business tax receipt, if required, is subject to a penalty of 25 percent of the tax due, in addition to any other penalty provided by law or ordinance.
 - (3) Any person who engages in any business, occupation, or profession covered by this chapter, who does not pay the required business tax within 150 days after the initial

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3.15.2023 11:52



STATEMENT OF VIOLATION & NOTICE TO APPEAR

CASE NUMBER 23-005

March 15, 2023,

TO: William Rodriguez
317 Grand Reserve Drive
Bunnell, Fl. 32110

VIA: Hand Delivery by Gary Harris to 317 Grand Reserve Drive on March 15, 2023.
Certified mail: Receipt No. 7020 1290 0000 2697 4683
Posting on Property: 317 Grand Reserve Dr., Bunnell, Fl. 32110 on March 15, 2023.
Posting at City Hall Public Notice Board on March 15, 2023.

Street Address: 317 Grand Reserve Drive

Legal Description: GRAND RESERVE & GOLF CLUB, RPUD UNIT 1 MB 36 PG 100
LOT 40 OR 1833/825 OR 2197/1402 OR 2368/1616-JTWROS

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(2) Any person who engages in or manages any business, occupation, or profession without first obtaining a local business tax receipt, if required, is subject to a penalty of 25 percent of the tax due, in addition to any other penalty provided by law or ordinance.

(3) Any person who engages in any business, occupation, or profession covered by this chapter, who does not pay the required business tax within 180 days after the onset

3.15.2023 11:53