

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

**SUMTER COUNTY BOARD
OF COUNTY COMMISSIONERS,
a political subdivision of the State of Florida,**

Plaintiff,

v.

Case No.: 2023-CA-

**RATTRAY FARM LLC; ALL OTHER
PARTIES OCCUPYING OR IN POSSESSION;
if the above Defendants are alive and if one or
more of said Defendants are dead, their unknown
spouses, heirs, devisees assignees, grantees,
creditors, or other parties claiming by, through,
under or against said defendants, and all
unknown parties claiming interests by, through,
under or against a named defendant to this action,
or having or claiming to have any right, title, or
interest in the property herein described, sued
herein as JOHN DOE,**

Defendants.

_____ /

COMPLAINT FOR INJUNCTIVE RELIEF

COMES NOW, Plaintiff, **SUMTER COUNTY BOARD OF COUNTY
COMMISSIONERS** (hereinafter referred to as the “County” or “Plaintiff”), in accordance with
Rule 1.610 of the Florida Rules of Civil Procedure and Fla. Stat. §162.30, and sues Defendants
**RATTRAY FARM LLC; UNKNOWN TENANT; OR TENANTS IN POSSESSION; ALL
OTHER PARTIES OCCUPYING OR IN POSSESSION;** if the above Defendants are alive and
if one or more of said Defendants are dead, their unknown spouses, heirs, devisees, assignees,
grantees, creditors, or other parties claiming by, through, under or against said defendants, and all
unknown parties claiming interests by, through, under or against a named defendant to this action,

or having or claiming to have any right, title, or interest in the property herein described, sued herein as JOHN DOE, (hereinafter referred to “Defendants”), and alleges as follows:

JURISDICTION

1. This is an action for injunctive relief to stop the operation of an unpermitted motocross track activity on real property located in Center Hill, Florida in Sumter County, Florida.

2. Jurisdiction lies with this court pursuant to Sections 48.193 and 26.012(3), Florida Statutes.

3. Venue is proper pursuant to Section 47.011, Florida, Statutes, as the property where the unpermitted activity is occurring is located within Sumter County, Florida.

4. Furthermore, pursuant to Section 162.30, Florida Statutes, a county or municipality may enforce any violation of a county or municipal code or ordinance by filing a civil action in the same manner as instituting a civil action.

THE PARTIES

5. Plaintiff, Sumter County Board of County Commissioners (“Sumter County”), is the governing body of Sumter County, a political subdivision of the State of Florida, whose principal address is 7375 Powell Rd., Suite 200, Wildwood, Florida 34785.

6. Defendant, Rattray Farm, LLC, is a Florida limited liability company whose principal place of business is 15951 Vetta Drive, Bella Collina, FL 34756 and whose corporate officer is Tyla Rattray.

THE PROPERTY

7. The address of the real property at issue is at 9000 CR 702, Center Hill, Florida 33514.

8. The address of 9000 CR 702, Center Hill, Florida is wholly situated within the unincorporated area of the jurisdictional limits of Sumter County, Florida.

9. The official public records of the Sumter County Property Appraiser reflect that two contiguous parcels of real property are identified by the address 9000 CR 702, Center Hill, Florida 33514 - Parcel ID: Q13-014 and Q13-004.

10. The real property identified as Parcel ID Q13-014 is owned by Rattray Farm, LLC, and is more particularly described as follows:

TRACT NO. 1: THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 13, TOWNSHIP 21 SOUTH, RANGE 23 EAST, LESS THE WEST 310.00 FEET THEREOF, IN SUMTER COUNTY, FLORIDA.

TRACT NO. 2: THE NORTH 250 FEET OF THE EAST 624 FEET OF THE SOUTHEAST ¼ OF THE SOUTHEAST ¼ OF SECTION 13, TOWNSHIP 21 SOUTH, RANGE 23 EAST, SUMTER COUNTY, FLORIDA.

TRACT NO. 5: FROM THE NORTHEAST CORNER OF THE SOUTHEAST ¼ OF THE SOUTHEAST ¼ OF SECTION 13, TOWNSHIP 21 SOUTH, RANGE 23 EAST, SUMTER COUNTY, FLORIDA, RUN THENCE SOUTH ALONG THE EAST LINE OF THE SOUTHEAST ¼ OF THE OF THE SOUTHEAST ¼ A DISTANCE OF 250.0 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH ALONG SAID EAST LINE OF THE SOUTHEAST ¼ OF THE SOUTHEAST ¼ A DISTANCE OF 104.84 FEET TO THE COUNTY ROAD; THEN SOUTH 28°57'54" WEST ALONG SAID COUNTY ROAD A DISTANCE OF 67.93 FEET; THENCE LEAVING SAID COUNTY ROAD RUN SOUTH 87°10'10" WEST A DISTANCE OF 89.79 FEET; THENCE SOUTH 57°49'54" WEST A DISTANCE OF 306.24 FEET; THENCE NORTH A DISTANCE OF 334.52 FEET; THENCE SOUTH 89°35'00" EAST A DISTANCE OF 381.82 FEET TO THE POINT OF BEGINNING.

11. Parcel ID Q13-014 has an Agriculture future land use designation, and an A10C zoning designation. To that end, any use of the property must be consistent with the regulations and requirements of the Sumter County Land Development Code with respect to the aforementioned future land use and zoning designations.

12. The parcel identified as Parcel ID Q13-004 is owned by Rattray Farm, LLC, and is more particularly described as follows:

TRACT NO. 4: THE SOUTH 293.70 FEET OF THE EAST 1371.00 FEET OF THE SOUTHEAST ¼ OF THE NORTHEAST ¼ OF SECTION 13, TOWNSHIP 21 SOUTH, RANGE 23 EAST, SUMTER COUNTY, FLORIDA.

13. Parcel ID Q13-004 is zoned RR5C; with the following land breakdown: acreage 8-12 C (0105V) 9 Acre.

14. The two parcels identified as Q13-014 and Q13-004 comprise the real property at issue in this complaint and shall be collectively referred to as the “Property.”

GENERAL ALLEGATIONS

15. On information and belief, from on or before July 15, 2022, the Defendants have continuously operated a motocross track in conjunction with a commercial enterprise (the “Motocross Activity”), and in violation of an issued permit and the Land Development Code, on one or more of the aforesaid properties located within Sumter County, Florida.

16. Defendants’ Motocross Activity occurs daily, for substantive portions of the day, and throughout the week, wherein the resident of and/or visitors to the Property ride, race, or otherwise use motocross bikes (dirt bikes) on one or more dirt motor cross tracks contained therein.

17. Table 13-431A of the Sumter County Land Development Code describes the principal uses for a property located in Sumter County. Consistent with Table 13-413A, the operation of the Motocross Activity is not a permitted use on real property with zoning designations of RR1, RR1C, RR5, RR5C.

18. The purpose and intent of Rural Residential Districts (RR5, RR1) zoning “is to provide in single-family rural residential zoning districts a range of densities which promote a rural

residential atmosphere where families, depending on the district, may reside in ... a dwelling unit ... and grow food and keep livestock for domestic use, and also to provide a buffer between agriculture and higher density residential uses, see Table 13-431A for permitted uses.” Sumter Code of Ordinances, Land Development Code, Division 9, Sec. 13-422.

19. Defendants’ Motocross Activity at the Property, and at all times described herein, continues to violate the Sumter County Land Development Code, specifically the land use and zoning regulations. Sumter Code of Ordinances, Land Development Code, Division 9, Sections 13-570, 571, 572, 573, 574, 575, 576, and 578, respectively.

20. Furthermore, Defendants past, present, and ongoing Motocross Activity and related activities cause traffic, loud noises, dust, pollution, and other nuisances to the surrounding area and environmental damage to the pond and sawgrass contained therein.

SPECIAL USE PERMIT REVOCATION AND CODE VIOLATION

21. Plaintiff issued Defendant Rattray Farm LLC a minor special use permit to operate a private motocross track on the Property, Permit No. S2019-0113, subject to specific restrictions and conditions.

22. On or about January 2022, Defendant Rattray Farm LLC sought a modification to Permit No. S2019-0113 to increase the number of hours and riders permitted under the conditions of the permit.

23. After public hearing, and having heard sworn testimony of the applicant, interveners, and the public, the Sumter County Special Master for Planning and Zoning denied the petition to modify the conditions of the minor special use permit was denied.

24. Certain sworn testimony provided at the hearing on Defendant Rattray Farm LLC's petition for modification of the minor special use permit, indicated various and ongoing violations of the conditions of the minor special use permit.

25. On April 5, 2022, Sumter County issued the Defendant Rattray Farm LLC a Notice of Intent to Revoke Permit S2019-0113 Private Motor Cross Track.

26. As provided for in Section 13-333(e)(1) of the Sumter County Land Development Code, Defendant requested a hearing before the Sumter County Board of County Commissioners with respect to the Notice of Intent to Revoke Permit S2019-0113.

27. The Sumter County Board of County Commissioners held a public hearing on May 24, 2022 on the issue of revocation of the permit.

28. Following the Defendant Rattray Farm LLC's presentation to the Commission, and after having conducted a public hearing with public input, the Commission voted to affirm revocation of Defendant Rattray Farm LLC's Minor Special Use Permit S2019-0011 Private Motor Cross Track located at 9000 CR 702, Center Hill, Florida (Parcel ID Q13-014).

29. On May 25, 2022, Defendant Rattray Farm, LLC was served written notice pursuant to Section 13-333 of the Sumter County Code of Ordinances that Minor Special Use Permit S2019-0011 Private Motor Cross Track was revoked effective May 24, 2022, and that no further use of the motocross track shall occur on the property. Therefore, all use of the property located at 9100 CR 702, Center Hill, Florida, as a private motor cross track was to immediately cease.

30. Subsequent to the written notice, and during Defendant Rattray Farms, LLC's window to appeal the determination of the County Commission, Sumter County received several complaints from citizens and neighbors alleging ongoing Motocross Activity on the Property.

31. On July 15, 2022, Sumter County Code Compliance Department served written Notice of Violation to Defendant Rattray Farm, LLC. Pursuant to the Notice of Violation, all violations were to be corrected and the Property brought into compliance with Sumter County Codes on or before the date included in the notice (the “Code Enforcement Action”).

32. Defendant Rattray Farm, LLC was served a Notice of Hearing, dated September 26, 2022, in Code Enforcement Case No: CE2022-0226/CE-22-06106 for a hearing scheduled on October 27, 2022.

33. Subsequent to the Notice of Violation, Defendant Rattray Farm LLC submitted an application for a major special use permit to Sumter County to operate a motocross practice facility (the “Major Special Use Permit Application”).

34. The Major Special Use Permit Application was heard by the Sumter County Special Master for Planning and Zoning on September 19, 2022; after taking sworn testimony and holding a public hearing, the Sumter County Special Master for Planning and Zoning recommend denial of the Major Special Use Permit Application.

35. On October 11, 2022, the Major Special Use Application was heard by the Sumter County Board of County Commissioners; after considering the recommendation of the Special Master, taking sworn testimony and holding a public hearing, the Sumter County Board of County Commissioners denied the Major Special Use Application.

36. The hearing on the Notice of Violation with respect to the code enforcement violations was held on October 27, 2022 before the Sumter County Special Master for Code Enforcement.

37. On or about November 7, 2022, a Code Enforcement Order was entered pursuant to Florida Statute Chapter 162 and Sumter County Ordinance 2008-02 which found that the

Property owned by Defendant Rattray Farm, LLC continued to be in violation of: LDC Section 13-655 – Race tracks for motor vehicles accessory to residential uses, and LDC Section 13-333(E)(1)(b) – Post approval actions.

38. The code enforcement order further directed Defendant Rattray Farm LLC to correct the violation(s) on or before December 26, 2022 and any violation on the Property not corrected subsequent to December 26, 2022 was subject to staff costs and a fine of \$50.00 per day. See Sumter County Code Enforcement Order for Case No. CE2022-0226/CE-22-06106, *attached as Exhibit A*.

39. The Sumter County Code Inspector inspected the Property after the compliance deadline of December 26, 2022 and found the Property to be in noncompliance with the Code and the Code Enforcement Order, as a result, the Code Inspector filed and served an affidavit of noncompliance.

40. Defendant Rattray Farm, LLC appealed the affidavit of noncompliance, and a hearing was held before the Special Master for Code Enforcement on Thursday, January 26, 2023, the Special Master affirmed the County Code Inspector's affidavit of noncompliance finding that the ongoing Motocross Activity was in violation of the Sumter County Land Development Code.

41. Notwithstanding the revocation of the Minor Special Use Permit, the denial of the Major Special Use Permit Application, Code Enforcement Action and the resulting Code Enforcement Order, Defendants, individually and through its officers/managers/agents, Tyla Rattray, continue to engage in Motocross Activity on the Property in direct violation of all instructions, orders, and the Code.

42. Sumter County continues to receive complaints from neighbors regarding regular and ongoing motocross activity on the Property.

43. Plaintiff has the powers and duties to:

Prepare and enforce comprehensive plans for development of the county; establish, coordinate, and enforce zoning and such business regulations as are necessary for the protection of the public; and perform any other acts not inconsistent with law, which acts are in the common interest of the people of the county. Fla. Stat. 125.01(g), (h) and (w), respectively.

44. Defendants' acts as described above, and at all times described herein, contradict and violate the Plaintiff's interest in protecting and promoting the common interest of the people of the county by disturbing the health, safety, and welfare of plaintiff and/or its nearby county residents.

45. Furthermore, Defendants' acts as described above, and at all times described herein, contradict and violate the Plaintiff's established code of ordinances.

COUNT I - INJUNCTION TO ENFORCE LAND DEVELOPMENT CODE

46. Plaintiff re-alleges and re-incorporates the allegations of paragraphs 1 to 45 as if set forth *in haec verba*.

47. Defendants' continued conduct as described above, in direct violation of the Sumter County Land Development Code (as described in the prior code enforcement order), unless and until enjoined by order of this court, will cause irreparable injury to Plaintiff in that, as a direct and proximate result of Defendants' conduct the health, safety, and welfare of Plaintiff and/or its nearby county residents will be effected by increased traffic, noise disturbance, dust, and other nuisances.

48. Plaintiff's prior demands via the prior code enforcement order that Defendants stop the conduct, and the Defendants' refusal to comply, even when subject to fines for non-compliance, necessitate for prompt judicial action to protect Plaintiff and its citizens from the Defendants' ongoing intentional acts.

49. Furthermore, there is no adequate remedy at law in that the enforcement of any code enforcement lien cannot be pursued until such time as the statutory time period has lapsed allowing the county to foreclose on the lien; and it is fully anticipated that Defendants will continue to engage in motocross activity on the Property.

50. Defendants' conduct to date shows a consistent pattern of flagrant disregard for compliance with the Sumter County Land Development Code such that the unpermitted motocross activity continues to occur on the Property on a daily basis notwithstanding the Revocation of the Minor Special Use Permit, denial of the Major Special Use Permit Application, the Code Enforcement Action, the Code Enforcement Order, and repeated notice that such activity is in violation of the Code.

51. Plaintiff has a clear legal right to the requested relief as per its powers and duties to zoning and such business regulations pursuant to Section 125.01, Florida Statutes.

52. Moreover, the public interest will be served by granting a temporary injunction in that the public has the legal interest in Sumter County's timely and orderly enforcement of zoning and code regulations such that the described conduct of the Defendants no longer negatively effects the peace and enjoyment of nearby landowners and county citizens at large.

WHEREFORE, Plaintiff demands judgment against Defendants as follows:

1. For a temporary injunction until Plaintiff's right to a permanent injunction is determined.

2. For a permanent injunction on final trial of the above-entitled cause enjoining Defendants and Defendants' agents, servants, employees, and attorneys, and any persons in active concert or participation with Defendants from engaging in any motocross activity and operating the commercial enterprise on the Property.

3. For damages in a sum to be determined by the court.
4. For code enforcement costs, attorney's fees and costs of suit incurred in this action.
5. For such other and further relief as the court may deem proper.

FLA.R.CIV.P. 1.610 VERIFICATION OF COMPLAINT

Under penalties of perjury, I declare that I have read the foregoing, and the facts alleged therein are true and correct to the best of my knowledge and belief.

Date: 16 March 2023

By: *[Signature]*
 Bradley Arnold, County Administrator
 Sumter County Board of County
 Commissioners

STATE OF FLORIDA)
 COUNTY OF SUMTER)

The foregoing document was acknowledged before me, by means of physical presence, this 16 day of March, 2023, by Bradley Arnold, County Administrator for the Sumter County Board of County Commissioners. Said person is personally known to me or produced sufficient identification in the form of _____.

Notary Signature: *[Signature]*
 Printed Name: Stacy L. Vance
 Commission Exp.: 10/24/25



Respectfully submitted,

/s/ Jennifer C. Rey
 Jennifer C. Rey, Esq.
 Florida Bar No. 0041997
 The Hogan Law Firm LLC
 P.O. Box 485
 20 S. Broad Street
 Brooksville, Florida 34605-0485
 Phone: 352.799.8423
 Fax: 352.799.8294
countyattorney.sumtercounty.fl@hoganlawfirm.com
pleadings@hoganlawfirm.com
 Counsel for Plaintiff

