

ORDINANCE
NO. 2014-13

AN ORDINANCE OF WALTON COUNTY, FLORIDA, AMENDING CHAPTER 4 OF THE WALTON COUNTY CODE TO ADD SCENIC HIGHWAY 98 AND HIGHWAY 98, WALTON COUNTY, FLORIDA, TO THOSE AREAS WHERE ROADSIDE FUNDRAISING IS PROHIBITED.

WHEREAS, the Legislature of the State of Florida has, in Chapter 125, F.S. delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizens; and

WHEREAS, the Board of County Commissioners of Walton County ("Board") recognizes the need to regulate roadside fundraising in the unincorporated areas of Walton County; and

WHEREAS, the Board finds it is in the best interests of the health, safety and welfare of the people of Walton County ("County") to establish reasonable regulations for conducting roadside fundraising.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Walton County, Florida, that:

Section 1. Chapter 4. Chapter 4 of the Walton County Code of Ordinances is hereby amended to delete the following language to add the following language. Deletions are noted by strikethroughs and additions are noted by underlines.

ARTICLE III. ROADSIDE FUNDRAISING

Sec. 4-29. DEFINITIONS.

The following words or phrases, when used in this Article shall have the meanings ascribed to them herein except where the context otherwise requires:

1. Roadside fundraising- the process of soliciting and gathering voluntary contributions as money by requesting donations from an occupant(s) in motor vehicles of any nature, bikers, or pedestrians along the county roadway system or multi-path or other sidewalk system. Person - any natural person, firm, association, joint venture, partnership, estate, trust, business trust, fiduciary, corporation, and all other groups and combinations.
2. Charitable institutions- shall mean only established 501(c) organizations, "nonprofit corporations", which provide documented charitable services within Walton County.

Sec. 4-30. PERMITS.

A. **Required.** It shall be unlawful for any person to engage in, participate in, form or start any roadside fundraising on any county road in Walton County without first obtaining a duly authorized roadside fundraising permit from Walton County Administration. Walton County will not permit activities on State or Federal roadways.

B. **Application.** An application for roadside fundraising shall be submitted to Walton County Administration at least forty-five (45) calendar days in advance of the date of commencement of the roadside fundraising event. An approved permit may be amended at least ten (10) business days in advance upon written notification to Walton County Administration. All applications are available at Walton County Administration or on the county website www.co.walton.fl.us. The application shall contain the following:

1. The name(s) and address of all persons who will participate in the roadside fundraising event and the name(s) and address of the person or charitable institution that will receive funds from the roadside fundraising event.
2. Proof of approval to stage, conduct, or promote the roadside fundraising event from the charitable institution for which the roadside fundraising event is being held.
3. Proof the charitable institution is an established 501(c) organization.
4. Documentation to the satisfaction of the County Administrator or his/her designee that the roadside fundraising event has a charitable benefit for the citizens of Walton County.
4. The exact date and time of commencement of and the exact time of the conclusion of the roadside fundraising event.
5. The location of the roadside fundraising event.
6. Description and exact location of any necessary temporary improvements, including signage, in the public right of way.
7. The name(s), phone numbers, and e-mail addresses of onsite contact and back-up person(s) to contact during the event and after hours for emergency situations.
8. Description of identifying clothing, badges, vests, or other to be worn by the participants of the fundraiser.

Sec. 4-31. LIABILITY INSURANCE.

A written public liability insurance policy insuring the person, staging, promoting or conducting the roadside fundraising against any and all claims and demands made by any person for injuries received in connection with the staging, promoting, conducting or attendance of or at such roadside fundraising, written with limits of not less than \$300,000.00 for damage or injury to any one person for bodily injury or otherwise, plus \$25,000.00 for damages to property, and for not less than \$500,000.00 for damages incurred or claimed by more than one person for bodily injury or otherwise, plus \$50,000.00 for damage to property. Walton County shall be named as additional

insured on all such policies. The original or duplicate of the policy shall be attached to the application for roadside fundraising permit, together with adequate evidence that the premiums are paid.

Sec. 4-32. RULES & RESPONSIBILITIES.

- A. Roadside fundraising permits will not be granted to be conducted at the following locations:
 - (1) County Road 30-A or and at any intersection on County Road 30-A;
 - (2) Scenic Gulf Drive (formerly known as Old U.S. Highway 98) and any intersection on Scenic Gulf Drive; and
 - (3) U.S. Highway 98 and any intersection on U.S. Highway 98.
- B. The event shall be held at one location per permit.
- C. Only one roadside fundraising event will be permitted to be held on any calendar day and shall be approved by order in which the completed application for a permit is submitted to Walton County Administration for approval.
- D. No permit for roadside fundraising will be granted to be held on holidays, any day prior to or immediately following a holiday, or any day between March 1 through April 30 and May 1 through September 15.
- E. The roadside fundraising event organizer is responsible for coordinating with all local government agencies that may be impacted by the activity. This includes but is not limited to, Walton County Sheriff's Office, Walton County Code Enforcement, and South Walton Fire Department.
- F. The applicant must document that the roadside fundraising event has a charitable benefit for the citizens of Walton County. Upon completion of the fundraising event, the benefiting charity must issue a letter to Walton County signifying receipt of the funds collected. If no letter is received by the county, the charitable institution will no longer be allowed to apply for a roadside fundraising permit.
- G. Each group/applicant shall be limited to two roadside fundraising permits annually.
- H. Walton County reserves the right to deny any application for roadway activities to be conducted during peak times of expected high traffic volume.
- I. Participants of the roadside fundraising shall not block private drives, entrances or access to any private property.

- J. All event participants shall wear safety vests and follow the rules established herein.
- K. No one under the age of 18 shall participate in the roadside fundraising.
- L. All signage may be placed in the county right of way two days before the activity and must be removed two days after the activity. Signage can be no larger than 18" x 24" and must be placed with wire or similar, stakes.
- M. When conducting a roadside fundraising event, all participants must remain out of the roadway. No participants shall be permitted to stand in the middle of the intersection. Participants may approach a vehicle to collect contributions, but must not hold up traffic.
- N. The roadside fundraising permit holder must remain on site at all times during the event with the permit readily available upon request.
- O. The county reserves the right to establish such additional conditions, criteria, or detailed specifications for the roadside fundraising permit as it may deem necessary to carry out the intent of this article, for the protection of the public health, safety, and general welfare.

Sec. 4-33 ENFORCEMENT.

The Walton County Sheriff, his Department, and his deputies, and Walton County Code Enforcement Officers are hereby authorized to enforce the provisions of this Chapter.

Sec. 4-34 VIOLATIONS; PENALTIES.

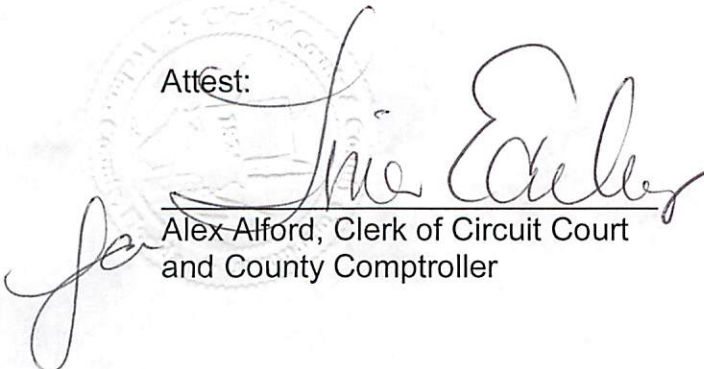
- A. Violations of any provision of this article are punishable pursuant to F.S. § 125.69. Violations of County Ordinances shall be prosecuted in the same manner as misdemeanors are prosecuted. Such violations shall be prosecuted in the name of the state in a court having jurisdiction of misdemeanors by the prosecuting attorney thereof and upon conviction shall be punished by a fine not to exceed \$500.00 or by imprisonment or by both such fine and imprisonment; and
- B. A deputy of the Walton County Sheriff's Office or a county code enforcement officer may issue a citation pursuant to the provisions of section 12.02.00 of the county land development code for any violation of the provisions of this section and the county may use any other lawful methods of enforcement and remedy to gain compliance with the provisions of this chapter, including those in section 1-6 of the Code. Any fees and or fines collected pursuant to this ordinance are to be remitted through the Clerk of Court and placed in the General Fund of the Board of County Commissioners. The Clerk of Court shall retain TEN DOLLARS AND 00/100THS (\$10.00) for each citation issued.

Section 2. Severability. Should any word, phrase, sentence, or section of this ordinance be held by a court of competent jurisdiction to be illegal, void, unenforceable, or unconstitutional, then such shall be severed from this ordinance and the remainder of the ordinance shall remain in full force and effect.

Section 3. Effective date. This ordinance shall become effective as provided by law.

PASSED AND DULY ADOPTED in regular session, by the Board of County Commissioners of Walton County, Florida, this 20th day of May, 2014.

Attest:


Alex Alford, Clerk of Circuit Court
and County Comptroller

BOARD OF COUNTY COMMISSIONERS
OF WALTON COUNTY, FLORIDA


W.N. "Bill Chapman", Chair

