

ORDINANCE NO. 2019-07

AN ORDINANCE AMENDING CHAPTER 14, SECTION 19, WALTON COUNTY CODE OF ORDINANCES (WALTON COUNTY RECREATIONAL PARK AND COMMUNITY CENTERS ORDINANCE), ALLOWING THE SALE, CONSUMPTION, AND POSSESSION OF ALCOHOLIC BEVERAGES AT THE DEFUNIAK SPRINGS GOLF COURSE AND COUNTRY CLUB; PROVIDING PENALTIES; PROVIDING FOR SEVERABILITY, CODIFICATION, AND EFFECTIVE DATE.

WHEREAS, the Walton County Board of County Commissioners finds it necessary for the health, safety, and welfare of the citizens of Walton County to amend its Parks and Recreation Ordinance;

NOW THEREFORE, be it ordained by the Walton County Board of County Commissioners that Chapter 14, Walton County Parks and Recreation Ordinance, is hereby amended as follows:

**SEC. 14-1. - DEFINITIONS.**

The following words, terms and phrases, when used in this Chapter, shall have the following meanings, except where the context clearly indicates a different meaning. Words not defined shall be given their common and ordinary meaning.

- (1) *"Park"* shall include, recreational areas, preserves, natural areas, recreation fields, open green spaces, playgrounds, wayside parks, waterways, boat ramps, and other areas, grounds, water areas, buildings and structures, owned, managed, or maintained by Walton County, which are used for recreational and cultural purposes, and are under the control of the Parks and Recreation Department of Walton County. "Park" shall not include any area subject to a long-term lease nor any recreational facilities managed or maintained by the Tourist Development Council of Walton County.
- (2) *"Park property"* shall mean all areas, grounds, buildings, locations and facilities described in paragraph (1) above.
- (3) *"County"* shall mean Walton County, a political subdivision of the State of Florida.
- (4) *"Department"* shall mean the Walton County Parks and Recreation Department.
- (5) *"Designated park official"* shall mean the Department Manager and other supervisory personnel.
- (6) *"Manager"* shall mean the Manager of the Walton County Parks and Recreation Department.
- (7) *"Parking area"* shall mean any part of any park road, drive, or area that is designated for the stationing of any vehicles.

- (8) *"Permit"* shall mean a document or certificate provided by the department granting permission for use of reserved park/facility areas and/or to conduct and/or take part in a specific activity at a specific location and which sets forth terms and conditions applicable thereto.
- (9) *"Person"* shall mean any natural person, firm, association, joint venture, partnership, estate, trust, business trust, fiduciary, corporation, and all other groups and combinations.
- (10) *"Vehicle"* shall mean any wheeled conveyance (except a baby carriage or wheelchair) for transportation of persons or materials whether: (1) powered or drawn by motor such as an automobile, truck, motorcycle, scooter, mini-bike, all-terrain vehicle (ATV) or recreational vehicle; (2) animal-drawn such as carriage, wagon, or cart; (3) any self-propelled vehicle such as a bicycle, tricycle, or skateboard; or (4) any trailer in tow of any size, kind or description. The term "vehicle" does not include any recreational or park transportation service operated or authorized by the department.

#### **SEC. 14-2. - REGULATION OF VEHICLES WITHIN PARKS.**

All persons in or on parks or park property shall follow applicable vehicle laws. All applicable vehicle laws are enforceable within park property. The following additional regulations shall apply:

- (1) The speed limit in parks and park property is 10 m.p.h. unless otherwise posted.
- (2) All law enforcement officers and such park personnel as are authorized and designated by the manager shall direct traffic whenever needed within park property in accordance with rules and regulations as may be set forth by the department.
- (3) The manager shall determine and all persons shall carefully observe and obey all traffic signs indicating speed, direction, caution, stopping or parking and all other signs posted for proper control and the safeguarding of life and property.
- (4) Any person driving, operating, controlling or propelling any vehicle shall operate such vehicle only on designated paved or improved park roads or driveways, except when otherwise directed by any law enforcement officer or designated park official.
- (5) No driver or operator of any vehicle shall obstruct traffic by parking or stopping on any road or driveway except at places designated for parking or stopping or in the event of any emergency beyond the control of the driver or operator. At designated places a vehicle may be stopped for no more than 15 minutes in order for the occupants to view scenic features.
- (6) Any person who rides, drives, or propels any bicycle, tricycle, motorcycle, scooter or similar vehicle, whether motor propelled or self-propelled, shall do so only on roads designated for vehicular traffic and/or other areas designated for the specific class of vehicle.
- (7) Any person who parks a vehicle shall do so only in areas or facilities designated for that particular type of vehicle unless otherwise directed by any law enforcement officer or designated park official, to park in other areas designated for parking. Any vehicle parked in an unauthorized area may be towed away at the owner's expense.

**SEC. 14-3. - PRESERVATION OF PARK PROPERTY.**

- (a) No person shall willfully mark, deface, injure in any way, displace, remove or tamper with, any park buildings, bridges, tables, benches, fireplaces, railings, paving, waterlines or other public utilities or parks or appurtenances thereof, park signs, notices, or placards, whether temporary or permanent, monuments, stakes, posts or other boundary markers or other structures or equipment, facilities or park property or appurtenances whatsoever, whether real or personal.
- (b) No person shall make any excavation by tool, equipment, blasting or other means.
- (c) No person shall construct or erect any building or structure of whatever kind, whether permanent or temporary or run or string any public utility into, upon, across or over any park or recreation lands or affix any materials to any park property except with the prior written approval of the Manager.
- (d) No person shall build or attempt to build any fire or fires except in designated areas as provided in section 14-9.
- (e) No person shall damage, disturb, or remove any cultural, historical or archaeological artifacts from any park property.

**SEC. 14-4. - PROTECTION AND PRESERVATION OF PLANT AND WILDLIFE.**

- (a) Within any park, no person shall cut, carve, or injure the bark or break off limbs or branches, or pick the flowers or seeds of any tree, plant, or shrub, nor shall any person dig in or otherwise disturb grass areas or install any vegetation or in any other way injure or impair the natural beauty or usefulness of any area, nor shall any person pile debris or material of any kind on or about any tree or plant, or attach any rope, wire, or other contrivance thereto, whether temporary or permanent in character or use, without prior approval of the manager. The manager may issue specimen collecting permits to scientists, students of botany and other similarly situated individuals authorizing such removals. No person shall tie or hitch any animal to any tree or plant within any park property.
- (b) No person shall molest, harm, frighten, kill, net, trap, snare, hunt, chase, shoot, throw or propel any missiles by any means at any wildlife creature be it mammal, bird, amphibian, or reptile roaming free about a park. No person shall remove or possess the young of any wild animal or the nest of any reptile or bird.

**SEC. 14-5. - RECREATIONAL ACTIVITIES IN PARK AREAS.**

- (a) No person shall swim, or wade in any, water area or pool within any park except at places designated for such activities. Any person engaging in such activities shall comply with the rules established for these areas, including, but not limited to, hours of use and safety limitations for such uses.
- (b) No person shall engage in recreational or other activities other than in areas designated for those activities. Swimming is prohibited in all park areas designated for boating. Boating is prohibited in all park areas designated for swimming.
- (c) In areas designated for swimming and wading, all persons shall be so covered with clothing or bathing suit so as to prevent any nudity in violation of Walton County Ordinance

1993-02. No person shall dress or undress on any park property except in bathing houses, restrooms, or other structures provided and maintained by the department for that purpose. No person shall dress or undress in any vehicle, bench, or other park area, except as provided above.

- (d) No person shall erect or cause to be erected any tent, shelter or structure in any park area in such a manner that requires guy wire, rope, extension, brace or support connected or fastened from any such tent, shelter or structure to any other structure, stake, rock, tree, or object.
- (e) No person, group, organization (profit or non-profit), shall conduct any activity or utilize any park or park area in a manner which will result in financial gain unless prior permission is granted by the manager and the appropriate fee is paid. This includes, but is not limited to, sports camps and instructional clinics.
- (f) No person shall engage in any activity in any park or park area which is or may be dangerous to the health, safety and welfare of him/herself and/or others, or is annoying to persons of reasonable sensibilities. No person shall engage in any activity in any park or park area which interferes with the use and enjoyment of the parks by others, including playing music in an accessibly loud and in a manner offensive to persons of ordinary sensibilities.
- (g) No persons, groups, or organizations shall impose an admission fee for events held on any park property. If donations are requested, the depository for those donations cannot be located closer than 50 feet from any entrance. The depository shall be clearly marked to indicate that donations are voluntary.

**SEC. 14-6. - SPORTING ACTIVITIES IN PARK OR RECREATION AREA.**

Any person, group, or organization wishing to utilize the sporting fields for tournament usage in any park or recreation area shall request, at least two weeks in advance, permission from the manager, fill out a park usage agreement to reserve the sporting fields, and shall pay the appropriate fees set by Walton County by resolution.

**SEC. 14-7. - BOATING.**

In addition to the provisions set forth in Chapter 327, Florida Statutes, the following regulation shall apply to recreational water areas within parks:

- (1) No person shall bring in to, launch or operate any vessel, including personal watercrafts, on any park property watercourses, bays, lagoons, lakes, canals, rivers, ponds, or sloughs except at such places as are or may be designated by the department for such use or purpose. Any person operating such vessels shall comply with department boating regulations and all other federal, state and local laws related to boating.

**SEC. 14-8. - PICNIC AREAS.**

- (a) No person shall picnic or cook in any park area not specifically designated for and regulated by the department for such activities.

- (b) No person shall build, light, or cause to be lighted any fire in any park area except in an approved grill, stove, fireplace or other similar container. Any person who builds lights or causes to be lighted any fire as provided above, shall extinguish the fire before leaving the immediate area.
- (c) No person shall use a grill, stove, fireplace or other similar device in such a manner as to burn, char, mar, blemish or otherwise damage any bench, table, vegetation, or other object of park property.

**SEC. 14-9. - HORSEBACK RIDING.**

No person shall engage in horseback riding within any park property except in areas designated for such activities by clearly marked bridle paths, trails, and other necessary features. In areas designated for horseback riding, horses must be thoroughly broken, properly restrained and prevented from grazing and straying unattended. All riders must carry proof of their horse's negative Coggins test.

**SEC. 14-10. - ANIMALS.**

- (a) Domesticated animals are not permitted within park property, except for service animals. All such animals must be restrained at all times at a distance not greater than six feet in length from their handler. All such animals shall wear up-to-date tags indicating that they have had rabies vaccinations. Owners shall be required to dispose of any feces left by the animals.
- (b) No person shall bring into any park property any non-domesticated or exotic animals including but not limited to, cattle, mules, swine, sheep, goats, fowl, or reptiles, except where in conjunction with projects sponsored by county departments or upon permit from the manager.

**SEC. 14-11. - TOY FIREARMS, FIREWORKS AND EXPLOSIVES.**

- (a) No person shall bring into, or possess, or set off or otherwise cause to explode or discharge or burn, in any park area or any other county owned or leased property, any firecrackers, torpedoes, rockets, toy firearms, cannons, or other fireworks or explosives of or containing flammable material or any substance, compound, mixture, or article which in conjunction with any other substance or compound, may explode, discharge or burn, unless he first obtains a written permit from the manager.
- (b) Parents and/or guardians shall be held responsible and accountable for the actions of minors in regards to the prohibitions in the foregoing paragraph as provided by law.

**SEC. 14-12. - POLLUTION OF WATERS.**

No person shall throw, discharge, or otherwise place or cause to be placed in the waters of any fountain, pond, lake, stream, bay or any other body of water within park property, any substance, matter, or thing, liquid or solid, which would or may result in the pollution of said waters.

**SEC. 14-13. - REFUSE AND TRASH.**

No person shall dump, deposit, drop, or place any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage, tobacco products, containers or foil, refuse or other trash upon any park property except in the receptacles provided for trash disposal, where receptacles are not provided, same shall be carried away from park property by the person or persons responsible for its presence and properly disposed of elsewhere. Park refuse and trash receptacles shall only be used by those persons using the park area for recreational and park activity.

**SEC. 14-14. - OPERATING HOURS, EXEMPTIONS, ACTIVITY.**

- (a) No person shall be or remain in any part of any park which is fenced in or provided with gates between the closing of the gates at night and their re-opening on the following day. No person shall be or remain in any park not fenced in or provided with gates, between sunset and sunrise of the following day, except in areas designated as 24-hour launching areas, or unless lighting is provided for a specific activity after sunset whereby such persons and vehicles may pass through such parks, without stopping, on the most direct walk or driveway leading from their point of entrance to the exit nearest to their point of destination. The provisions of this section shall not apply to law enforcement officers or employees of the department while in the discharge of their duties nor to persons having a written permit issued by the department allowing them to be or remain in any part of any park between such times. The manager may establish exceptions to the operating hours as set forth above for certain uses and when it is otherwise in the interest of the public health, safety or welfare. Any such exceptions shall be posted at the park entrance and obeyed accordingly.
- (b) No person shall park or permit to remain parked any vehicle on any driveway, parkway, parking area or other park property between sunset and sunrise on the following day or as otherwise posted, except for areas designated as 24-hour launching areas.
- (c) No overnight camping is permitted in any park. As far as any provision of Walton County 85-9 is in conflict with this subsection, said Ordinance 85-9 is hereby repealed.

**SEC. 14-15. - UNFINISHED OR WITHHELD PARKS.**

No person, except as authorized by the department, shall enter upon any part of any park which is properly identified as in an unfinished condition or under construction or withheld from general public usage in the interest of public safety, health and/or welfare.

**SEC. 14-16. - MERCHANDISING, VENDING, PEDDLING, ETC.**

No person, other than the department or regularly licensed concessionaries acting by and under the authority of the county, shall expose or offer for sale, rent or trade, any article or thing, or station, or place any stand, cart, or vehicle, for the transportation, sale or display of any article or merchandise within the limits of any park.

**SEC. 14-17. - ADVERTISING, PUBLICITY, SIGNS AND SOLICITATION.**

- (a) No person shall advertise or obtain publicity through any means whatsoever within or upon any park property.
- (b) No person shall park or station on any parks property any vehicle displaying a sign or notice with the intent of offering said vehicle for sale or exchange.

- (c) No person shall distribute, display, or affix any printed materials or advertisements to or within any park property. Exceptions to this provision are printed materials or advertisements permanently affixed on vehicles or on clothing; distribution of printed handbills or leaflets, the purpose of which is not solely commercial; announcements of park sponsored or sanctioned events; authorized signs located entirely within concession structures, and signs and distribution of printed materials in conjunction with a permitted use of reserved park/facility area.
- (d) No person shall solicit nor accept donations of any kind in any parking area, nor shall verbal solicitation be allowed anywhere within or upon any park property.

**SEC. 14-18. - PUBLIC DEMONSTRATIONS, GATHERINGS, PERFORMANCES, SPEECHES, ETC.**

- (a) Any band, procession, military company, or any company or group with flags, banners, or transparencies, may be allowed upon any park or parkway or within any park, subject to reasonable regulations of time, place and manner of such activities upon approval and appropriate permit issued by the manager.
- (b) No entertainment or exhibition shall be given in any park or recreation area except entertainment given under the direction and authority of the department.
- (c) Any public meeting of any kind or any public speeches by any person, representatives of any political party, social club or society, political aspirant, religious sect, theatrical or circus group, act, rite or ceremony, or other public exhibition may be held in any park, parkway, playground or other recreational area, subject to reasonable regulation of time, place and manner of such gatherings as established by the manager reasonably calculated and narrowly focused to preserve the public peace, safety, and welfare.

**SEC. 14-19. - ALCOHOLIC BEVERAGES.**

The sale, consumption, and possession of alcoholic beverages as defined in F.S. § 561.01(4), is hereby prohibited in any park property, [except for the DeFuniak Springs Country Club and Golf Course.](#)

**SEC. 14-20. - PROPER USE OF FACILITIES.**

No person shall loiter in or around any park department rest room, dressing room, or bath house nor shall any person engage in any lewd and lascivious behavior as defined in F.S. Chs. 798 and 800.

**SEC. 14-21. - AUTHORITY OF LAW ENFORCEMENT OFFICERS AND DESIGNATED PARK OFFICIALS.**

- (a) It shall be the duty and responsibility of sheriff officers, city police officers, special deputies, code enforcement, and designated park officials to enforce all provisions of this chapter.
- (b) It shall be unlawful for any person to do any act forbidden or fail to perform any act required by any permit issued by the department in furtherance of the mandates and provisions of this chapter.

- (c) Besides the rules and regulations as set out in this chapter, designated park officials shall have the authority to establish further rules and regulations for regulation of park use pursuant to the preservation of health, safety, and/or welfare of the public in furtherance of the mandates and provisions of this chapter.
- (d) Any person who violates the provisions of this chapter, or any rules and regulations set forth by the department pursuant to this chapter, shall be removed from the park area. Failure of any person to remove himself from the park area after direction and request has been made by a designated park official, shall constitute a trespass.

**SEC. 14-22. - PENALTIES.**

- (a) Any person found in violation of the above provisions shall be subject to the following civil penalties. Any person to whom a citation is issued shall pay the fine by the designated date or appear in county court at the time, date, and location designated in the citation.
- (b) Minimum civil penalties for violations of this chapter are as follows:
  - (1) *First violation:* \$100.00.
  - (2) *Second violation:* \$200.00; revocation of park privilege; and a No Trespass warning will be issued.
  - (3) *Third and subsequent violations:* Appropriate penalty for violating the No Trespass warning.
- (c) Any person electing to appear or required to appear in court waives the right to pay the minimum civil penalties.
- (d) Penalties shall be in addition to court costs as established by the county court.
- (e) The maximum civil penalty for each violation shall be \$500.00.
- (f) The manager shall require any person, group, or organization previously cited for a violation of these rules to provide off-duty sheriffs' deputies to monitor activities before any new permit is issued to that person, group, or organization, at the expense of the person, group, or organization applying for said permit.

**LIBERAL CONSTRUCTION.**

This Ordinance shall be liberally construed in order to effectively carry out the purposes hereof which are deemed to be in the best interest of the public health, safety, and welfare of the citizens and residents of Walton County, Florida. The provisions of this Ordinance shall supersede any existing provisions of the Code of Laws and ordinance of Walton County, Florida, which conflict with any provisions as set forth herein.

**SEVERABILITY.**

If any portion of this Ordinance is determined by any Court to be invalid, the invalid portion shall be stricken, and such striking shall not affect the validity of the remainder of this Ordinance. If any Court determines that this Ordinance, or any portion hereof, cannot be legally applied to any individual(s), group(s), entity(ies), property(ies), or circumstance(s), such determination shall not affect the applicability hereof to any other individual, group, entity, property, or circumstance.

**EFFECTIVE DATE.**

This Ordinance shall become effective on April 1, 2019, as provided by law.

PASSED AND DULY ADOPTED in regular session, by the Board of County Commissioners of Walton County, Florida, this 26<sup>th</sup> day of March, 2019.

Attest:

*Alex Alford*  
Alex Alford, Clerk of Circuit Court  
And County Comptroller

