

**ORDINANCE
2008-29**

AN ORDINANCE OF WALTON COUNTY, FLORIDA, REPEALING ORDINANCE 1973-03 REQUIRING MUSICAL OR ENTERTAINMENT FESTIVALS TO BE PERMITTED AND CHAPTER FOUR OF THE WALTON COUNTY CODE OF ORDINANCES RELATING TO MUSIC AND ENTERTAINMENT FESTIVALS; PROVIDING FOR DEFINITIONS; PROVIDING FOR A PERMITTING SYSTEM FOR OUTDOOR EVENTS; PROVIDING FOR EXEMPTIONS; ESTABLISHING NEW REGULATIONS AND REVIEW OF OUTDOOR EVENTS; ESTABLISHING ADDITIONAL CONDITIONS AND FEES; REQUIRING LIABILITY INSURANCE; PROVIDING FOR PENALTIES, SEVERABILITY, AND AN EFFECTIVE DATE.

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 update certain regulations relating to outdoor events 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 outdoor events.

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

Section 1. Repeal and Create New Chapter 4. Walton County Ordinance 1973-03, codified as Article II, Chapter 4 of the Walton County Code of Ordinances is hereby repealed in its entirety. A new Article II, Chapter 4 of the Walton County Code of Ordinances is hereby created to read:

ARTICLE II. OUTDOOR EVENTS

Sec. 4-26. 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. Outdoor event - shall mean any planned assemblage of the general public held outdoors within the unincorporated areas of Walton County for which admission is charged and/or booths are available for rent. Outdoor events may include, but not be limited to, contests, fairs, carnivals, festivals, concerts, seasonal or

annual events, competitions, car shows, art/craft shows, or other similar activities which meet the definition listed herein for outdoor events.

2. Calendar of events - means more than one outdoor event sponsored by the same individual or group, which occurs on the same site, more than one time during a calendar year, and which contains outdoor events similar in nature, with infrequent changes in detail.
3. Person - any natural person, firm, association, joint venture, partnership, estate, trust, business trust, fiduciary, corporation, and all other groups and combinations.
4. Temporary structures and facilities - includes, but is not limited to, sheds, booths, bleachers, canopies, tents, stages and fences, necessary site improvements and right-of-way agreements for temporary purposes during an event.

Sec. 4.27. PERMITS.

- A. **Required.** It shall be unlawful for any person to stage, promote or sell tickets to or conduct any outdoor event in Walton County without first obtaining a duly authorized outdoor event permit from the Walton County Code Enforcement Department (“Code Enforcement”).

All outdoor events shall be held in full compliance with the Walton County Land Development Code and all other applicable state and federal laws, ordinances and regulations. ‘Special Events’ (Outdoor Events) governed under the terms of the Beach Activities ordinance may be subject to different requirements.

- B. **Exemptions.** The following activities shall be exempt from the permitting requirements:

1. County sponsored or approved outdoor events held on county property;
2. Outdoor events sponsored or approved by the school board conducted on school board property or property under the control of the school board;
3. Religious, private school, political and other 501(c)(3) nonprofit organization outdoor events conducted on property owned or leased by those organizations and when no public (i.e., citizens of Walton County) liability exposure exists; and
4. Existing businesses or entities that have development order approval for outdoor events as an accessory use and when no public (i.e., citizens of Walton County) liability exposure exists.
5. Outdoor events that qualify for an exemption must comply with the provisions of the Fire, Life and Safety requirements and receive a certificate of exemption from the appropriate fire and rescue agency.

- C. **Application.** An application for an outdoor event (or calendar of events) shall be submitted to Code Enforcement at least forty-five (45) days in advance of the date of commencement of the outdoor event(s). Last minute events within an

approved calendar of events may be amended upon written notification to the Planning and Development Services Division. The application shall contain the following:

1. The name(s) of all persons promoting or conducting the outdoor event.
2. The name(s) of all persons who will provide event-related services to the outdoor event, and executed copies of all contracts or agreements with such persons or groups.
3. Proof of ownership of the property on which the outdoor event is being held or in the alternative proof of a contractual agreement to use the property of another.
4. The exact date and time of commencement and the exact date and time of the conclusion of the outdoor event.
5. A geographic description and scale map or plan of the outdoor event site depicting the location of all required facilities.
6. A provision for security and traffic control. If the outdoor event requires services beyond those that are regularly provided by Walton County such as additional sheriff services, the number of officers to be retained and any associated fees shall be determined by the Sheriffs Office on a case-by-case basis.
7. A provision for parking facilities, both on and off site. Such plan shall provide for on- and off-site parking in areas clearly designated as parking areas. No parking shall be allowed on internal neighborhood streets unless duly authorized.
8. Any necessary temporary improvements, including signage, in the public right-of-way.
9. A provision for an emergency services plan with the level of service and associated fees being determined by the South Walton Fire District or the Walton County Fire Rescue and documented on a case by case basis by means of an Event Action Plan.
10. 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.

D. Application review. All applications for outdoor event permits shall be reviewed by the following departments/entities. The permit application will provide contact information for each of the following:

1. Planning and Development Services Division.
2. Engineering Department.
3. Code Enforcement Department.
4. Walton County Sheriffs Office.
5. South Walton Fire District or Walton County Fire Rescue.

E. Establishment of additional conditions. The County reserves the right to establish such additional conditions, criteria or detailed specifications for the

outdoor event 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.

- F. **Fees.** There shall be a nonrefundable fee of \$100.00 for obtaining an outdoor event permit. Additional fees may be assessed to cover the costs of any additional services beyond those that are regularly provided by Walton County.
- G. **Liability insurance.** A written public liability insurance policy insuring the person, staging, promoting or conducting the outdoor event 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 outdoor event, 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 an outdoor event permit, together with adequate evidence that the premiums are paid.

Sec. 4-28. Violations; penalties.

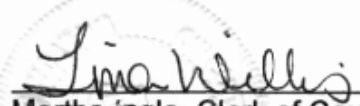
- A. Any person who violates any provision of this Article shall be subject to the penalties set forth in Chapter 1 Sections 1-6 of the Walton County Code of Ordinances.
- B. The County may revoke the outdoor event permit granted under this article upon the occurrence of any violation of this article.

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.

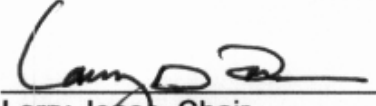
Section 3. Effective date. This ordinance shall become effective as provided by law.

PASSED AND DULY ADOPTED in regular session, by the Board of County Commissioners of Walton County, Florida, this 23rd day of September, 2008.

Attest:


Martha Ingle, Clerk of Court

BOARD OF COUNTY COMMISSIONERS
OF WALTON COUNTY, FLORIDA


Larry Jones, Chair