

FORT WALTON BEACH CODE

**CHAPTER 8
LICENSES & BUSINESS REGULATIONS**

8.00 VIOLATIONS	8-4
8.01 BUSINESS TAX REQUIREMENTS	8-4
8.01.01. Scope	8-4
8.01.02. Evidence of Business Activity Requiring Tax Receipt	8-4
8.01.03. Separate Tax Receipt Required for Each Person, Each Business	8-4
8.01.04. Corporate Officers' Liability	8-4
8.01.05. Application Process	8-4
8.01.06. New Location	8-4
8.01.07. Hazardous Materials	8-4
8.01.08. Denial of Business Tax Receipt	8-4
8.01.09. Business Tax Schedule	8-5
8.01.10. Expiration of Business Tax Receipts	8-5
8.01.11. Business Tax Basis	8-5
8.01.12. Business Tax Rebate	8-5
8.01.13. Specially Classified Business Taxes	8-5
8.01.14. Limitations of Payment of Business Tax	8-5
8.01.15. Delinquent Tax Charge	8-6
8.01.16. Exhibition, Display of Tax Receipt	8-6
8.01.17. Posting of Tax Receipts	8-6
8.01.18. Tax Receipt Affixed to Vehicles, Machines	8-6
8.01.19. City Inspector	8-6
8.02 ALARM SYSTEMS	8-7
8.02.00. Definitions	8-7
8.02.01. Alarm Permit Required	8-8
8.02.02. Display Required	8-9
8.02.03. Failure to Present	8-9
8.02.04. Reserved	8-9
8.02.10. Operational Reliability Requirements	8-9
8.02.11. Rules for Use	8-9
8.02.12. False Alarms	8-11
8.02.121. False Alarm Report and Citation	8-11
8.02.122. Record of Activations	8-11
8.02.123. Violations, Police Department Responses.....	8-11
8.02.124. Violations, Fire Department Responses.....	8-11
8.02.125. User Responsibility of Proof	8-12
8.02.126. Continuous Malfunctions.....	8-12
8.02.13. Alarm Citation Appeals	8-13
8.03 TEMPORARY AND SPECIAL EVENTS; PERMITTING	8-13
8.03.01. Definitions	8-13
8.03.02. Prohibition	8-14
8.03.03. Permit Process	8-14
8.03.04. Number of Days Permitted	8-15
8.03.05. Licenses	8-15
8.03.06. Limitation on Music Events	8-15

FORT WALTON BEACH CODE

8.03.07 Motorized Vehicles in Parks 8-15
8.03.08 Alcohol Use for Events 8-16
8.03.09 Appeals 8-16

8.04 CONTRACTORS & TRADESMEN 8-16
8.04.01. Registration and License Required 8-16
8.04.02. Hold Harmless 8-16
8.04.03. Conditions of Issuance 8-16
8.04.04. Certification or Registration Required 8-16
8.04.05. Business Tax 8-16
8.04.06. Annual Business Tax Receipt; Expiration 8-17
8.04.07. Liability Insurance Required 8-17
8.04.08. Policy Requirements; Additional Insureds..... 8-17
8.04.09. Reciprocity of Insurance 8-17
8.04.10. Insurance Required to Issue Permit 8-17
8.04.11. Master Certificate, Prerequisite 8-18
8.04.12. Use of Name or License by Another Prohibited 8-18

8.05 FIRE SAFETY INSPECTION 8-18
8.05.01. Annual Inspection Required 8-18
8.05.02. Inspection Fee; Time for Payment 8-18

8.06 LOCKSMITHS 8-18
8.06.01. Conditions for Locksmith's License 8-18
8.06.02. Bond Required 8-18

8.07 MOTOR VEHICLE TITLE LOANS 8-19
8.07.01. Definitions 8-19
8.07.02. Conditions of Transactions 8-19
8.07.021. Borrower Holding Certificate 8-19
8.07.022. Title Loan Agreements 8-19
8.07.023. Sign to Be Displayed 8-20
8.07.03. Maximum Interest Rate, 30 Days..... 8-21
8.07.04. Maximum Interest Rate, 360 Days 8-21
8.07.05. Compliance with Federal Regulations 8-21
8.07.06. Prohibited Agreements 8-21
8.07.07. Limitation on Charges 8-21
8.07.08. Prepayment Allowed 8-21
8.07.09. Loan Amount Limited by Value of Collateral 8-21
8.07.10. Satisfaction Clears Encumbrances 8-21
8.07.101. Repossession Upon Default 8-21
8.07.102. Compliance with Florida Law 8-22
8.07.103. Right to Redemption 8-22
8.07.11. Records Maintained at Location 8-22
8.07.12. Effective Date; Impairment 8-22
8.07.13. Violations 8-22
8.07.14. Enforcement by City 8-24
8.07.15. Violation as Misdemeanor 8-24
8.07.16. Borrower's Remedy 8-24

FORT WALTON BEACH CODE

8.08 SOLICITORS 8-24

8.09 DOWNTOWN BUSINESS AND ENTERTAINMENT DISTRICT 8-25

 8.09.01. District, Boundaries Created: 8-25

 8.09.02. District Hours of Operation 8-26

 8.09.03. Noise..... 8-26

 8.09.04. Open Alcoholic Beverages Allowed 8-26

 8.09.05. Roadside Vendors Allowed..... 8-27

 8.09.06. Temporary Road Closures 8-27

8.10 VEHICLES FOR HIRE 8-27

 8.10.01 License, Photograph, Fingerprints Required 8-27

 8.10.02. Display of License 8-27

 8.10.03. Posting, Filing of Rates 8-27

8.11 RESERVED..... 8-28

8.12 CONSTRUCTION & DEMOLITION DEBRIS HAULING SERVICES 8-28

 8.12.01 Definitions 8-28

 8.12.02 Owner and vehicle registration provisions 8-28

 8.12.03 Permitted Activity 8-29

 8.12.04 Prohibited Activity 8-29

 8.12.05 Insurance Requirements 8-30

 8.12.06 Violations 8-30

List of Tables

 8.04.07. Liability Insurance Required 8-17

 8.09.03. Noise..... 8-26

List of Figures

 8.09.01. District, Boundaries: 8-25

**CHAPTER 8
LICENSES & BUSINESS REGULATIONS**

8.00 VIOLATIONS: Violations of this chapter shall be punishable as provided in chapter 1.05 of this Code.

8.01 BUSINESS TAX REQUIREMENTS

8.01.01 Scope: Any person who maintains a permanent or temporary business location or branch office within the City, for the privilege of transacting or engaging in or managing any business, profession, or occupation shall be required to pay a business tax pursuant to this chapter.

8.01.02 Evidence of Business Activity Requiring Tax Receipt: The fact that a person represents, exhibits a sign, or advertises that the person is engaged in a business, calling, profession or occupation, for which business tax is required, shall be evidence of the liability of such person to pay a business tax.

8.01.03 Separate Tax Receipt Required for Each Person, Each Business: A separate tax receipt is required for each person engaged in each profession, trade, shop or business, whether or not such businesses are co-located, connected, or operated in conjunction with any other business requiring a tax receipt.

8.01.04 Corporate Officers' Liability: It is the responsibility of all officers and agents of any corporation to ensure that such corporation complies with the provisions of this chapter.

8.01.05 Application Process: New applicants shall pay the business tax at least 24 hours prior to opening the business. Such application for payment shall be on a form and by procedures prescribed by the City Manager.

8.01.06 New Location: A business shall not transfer to a new location under a current business tax receipt without first obtaining, in writing, from the Building Official, a verification of correct zoning for such business at the proposed new location, and paying the appropriate full tax for such business.

8.01.07 Hazardous Materials: Each applicant shall identify, to include quantities, any and all hazardous waste or materials used, stored, generated or disposed of by the business, profession or occupation. In addition, the applicant shall describe the handling and disposal of such materials.

8.01.08 Denial of Business Tax Receipt: The City may deny issuance of a business tax receipt to a business that uses, stores, generates, or disposes of hazardous materials to conserve and protect soils, minerals and vegetation within the City.

FORT WALTON BEACH CODE

8.01.09 Business Tax Schedule: A tax classification and rate schedule for all business taxes has been established as set forth in the Comprehensive Fee Schedule, and may be amended from time to time, by ordinance of the City Council and pursuant to Florida Statutes.

8.01.10 Expiration of Business Tax Receipts: Business tax receipts shall expire on September 30 of each year. No receipt shall be effective for more than one (1) year. For each receipt obtained between October 1 and April 1, the full tax for one (1) year shall be paid, except as otherwise provided in this chapter, and for each receipt obtained between April 1 to June 30, one-half ($\frac{1}{2}$) the full tax for one year shall be paid, except as otherwise provided in this chapter. For each receipt obtained from July 1 to September 30, one-quarter ($\frac{1}{4}$) of the full tax for one year shall be paid, except as otherwise provided in this chapter.

8.01.11 Business Tax Basis: In all cases where the amount required to be paid for a business tax receipt depends upon the amount of capital invested or the value of goods, stock or property used in the business, it shall be the duty of the person applying for such tax receipt to render to the City Manager or his or her authorized representative a sworn statement of the amount of such capital or the value of such stock, goods or other property. Further, as a condition of obtaining a tax receipt, the applicant shall also submit proof, including insurance carried, for inspection and examination by the City Manager or his or her authorized representative, either before or after the tax receipt is issued, of the amount of capital invested or the value of the stock, goods, wares, merchandise or other property carried or used in such business, such proof to consist of inventories last taken or stock books.

8.01.12 Business Tax Rebate: No portion of any business tax assessed under this chapter shall be rebated unless it clearly appears that such business tax was collected by mistake or error. Before making such a rebate, all amounts proper tax amounts required shall be paid.

8.01.13 Specially Classified Business Taxes: Any person engaged in selling goods, wares and merchandise, who or which is specially classified under this chapter, shall pay the specially classified business tax and not the merchants' business tax. A person engaged in a business that is not specially taxed under this chapter shall pay the merchants' business tax.

8.01.14 Limitations of Payment of Business Tax: The business tax required by this chapter means the fees charged and the method by which the city grants the privilege of engaging in or managing any business, profession, or occupation within the city's jurisdiction. It does not mean any fees or licenses paid to any board, commission, or officer for permits, registration, examination, or inspection, which unless otherwise provided by law, are deemed to be regulatory and in addition to, but not in lieu of, any business tax imposed by this chapter.

FORT WALTON BEACH CODE

8.01.15 Delinquent Tax Charge: All business tax receipts shall be sold beginning July 1 of each year, shall be due and payable on October 1 of each year and expire on September 30 of the succeeding year. Those business tax receipts not renewed by October 1 shall be considered delinquent and subject to a delinquency penalty of ten percent (10%) for the month of October, plus an additional five percent (5%) penalty for each month of delinquency thereafter until paid. However, the total delinquency penalty shall not exceed 25 percent (25%) of the business tax fee for the delinquent establishment. Any person engaging in or managing any business, occupation or profession without first obtaining a local business tax receipt, if required under this chapter, shall be subject to a penalty of 25 percent (25%) of the business tax fee determined to be due, in addition to any other penalty provided by law or ordinance. 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 business tax receipt is subject to civil actions and penalties, including court costs, reasonable attorney's fees, additional administrative costs incurred as a result of collection efforts.

8.01.16 Exhibition, Display of Tax Receipt: Every person who pays the business tax and receives a receipt shall exhibit it when called upon to do so by an authorized officer of the City, and all receipts must be conspicuously displayed at all times.

8.01.17 Posting of Tax Receipts: Every person exercising the privilege or conducting a business, occupation or profession for which a business tax receipt is required shall post his or her receipt in a conspicuous place in or about his or her place of business where it may be seen upon inspection by any official of the City.

8.01.18 Tax Receipt Affixed to Vehicles, Machines: Whenever a business tax receipt is required or a tax is required to be paid for any machine or vehicle, such tax receipt or other evidence of payment of the tax must be affixed in a prominent place upon such machine or vehicle, as designated by the City.

8.01.19 City Inspector: The City Manager shall designate an Inspector who shall have the authority to investigate all businesses, occupations and professions in the City and to make such inquiry as is necessary to determine whether or not a business tax has been paid for such business, occupation or profession. The Inspector shall report to the City Code Enforcement Board the names of all persons engaged in a business, occupation or profession without a business tax receipt.

Such Inspector shall have the power to arrest any person violating any of the provisions of this chapter. No person shall refuse to allow such Inspector to investigate and inquire for the purpose of determining whether such person has paid the required business tax.

8.02 ALARM SYSTEMS

8.02.00 Definitions:

Alarm system: A system of devices which includes a control panel that emits, transmits or relays a signal intended to summon, or that would reasonably be expected to summon, police, emergency medical services or fire services of the city, including local alarms. Alarm system does not include:

- (1) An alarm installed on a vehicle, unless the vehicle is permanently located at a site; or
- (2) An alarm designed to alert only the inhabitants of a premise within the interior of that premises.

Alarm user or user: Any person or business on whose premises alarm systems are maintained within the city, except for alarms on motor vehicles or property systems.

Automatic dialing device: An alarm system which automatically sends over regular telephone lines, by direct connection, or otherwise, a prerecorded voice message or coded signal indicating the existence of an emergency situation that the alarm system is designed to detect.

Central station: A location to which remote alarm or signaling devices are connected, where operators supervise circuits or where employees are maintained continuously to investigate signals.

Communications console: The instrumentation on an alarm console at the receiving terminal of a signal line which, through visual or audible signals, indicates activation of an alarm system at a particular location, or which indicates line trouble.

Direct connect: An alarm system which has the capability of transmitting system signals to and receiving them at the police communication center.

False alarm: shall mean:

- (1) The activation of an alarm system through mechanical failure, system malfunction, improper installation or negligence of the user of an alarm system or the user's employees or agents; or
- (2) Any signal or oral communications requesting, requiring or resulting in a response on the part of the police department or fire department when in fact, there has been no unauthorized intrusion or attempted intrusion into a premises or no robbery, attempted robbery, products of combustion or emergency medical response.
- (3) Excluded from this definition are activations of alarms systems caused by power outages, weather conditions, or any other conditions determined not to be a result of equipment failure or neglect of the user.

FORT WALTON BEACH CODE

Fire Alarm System: A signal initiated by a fire alarm-initiating device such as a manual fire alarm box, automatic fire detector, water flow switch or other devices which activation is indicative of a fire or fire signature and transmits signal to strobe and horn devices to evacuate the premises. Also transmits or relays a signal intended to summon fire services, including local alarms.

Fire Chief shall mean the Fire Chief of the City or his or her designated representative.

Fire Department shall mean the City Fire Department or any authorized agent.

Police Chief shall mean the Chief of Police of the City or his or her designated representative.

Police Department shall mean the City of Fort Walton Beach Police Department or any authorized agent.

Public nuisance shall mean anything which annoys, injures or endangers the comfort, repose, health or safety of a considerable number of persons or of any community or neighborhood.

Utility Company shall mean any public service company authorized to work on telephone, TV cable, or power lines, including but not limited to the telephone, TV cable, or power companies.

Non-Response shall mean that a Police Officer shall not be dispatched to an alarm location based solely on an alarm system signal, unless it has been verified by an independent secondary source that a criminal act or attempted criminal act is in progress or has occurred.

8.02.01 Alarm Permit Required: All alarm users in the City, whether connected directly to the Police Communications Center or to a private alarm monitoring company, shall be required to maintain an alarm permit. The cost of such annual permit shall be in such amount as is established from time to time by resolution of the City Council.

All alarm users in the City, whether connected directly to the Police Communications Center or to a private alarm monitoring company, shall be required to maintain an alarm permit. There shall be no charge for first time registration and the annual renewal fee shall be in such amount as established from time to time by resolution of the City Council. Such permit shall expire at the end of the calendar year and the fee shall be prorated on a quarterly basis beginning from the date of purchase.

Any alarm user not in possession of a current permit shall be notified by the Police Department that a permit is required. The alarm user shall obtain a permit and pay the appropriate fee within ten (10) working days after notification, unless an appeal is filed pursuant to the provisions of this chapter. Any alarm user who refuses to secure an alarm permit shall be subject to the provisions of chapter 1-5, of the Code of Ordinances.

FORT WALTON BEACH CODE

8.02.02 Display Required: Alarm permits shall be visibly displayed in all businesses in conjunction with any other City or State permit. Alarm permits for residential users shall be presented upon demand of a Police Officer or Firefighter.

8.02.03 Failure to Present: Failure to present an alarm permit will be prima facie evidence that the user is not in possession of a current permit.

8.02.04 Reserved.

8.02.10 Operational Reliability Requirements: The purpose of this chapter is to require alarm users and alarm businesses (sales, installation, customer service and/or monitoring) to maintain the operational reliability and the proper use of alarm systems in limiting unnecessary police or fire emergency responses to false alarms/alarm malfunctions. This chapter governs all burglary, robbery, medical, and fire alarm systems requiring permits, establishes authority for fees, establishes a system for administration, and sets forth conditions for suspension or loss of permits and non-response to activations.

8.02.11 Rules for Use: The Police Chief and Fire Chief may promulgate such rules as may be necessary for the implementation of this chapter. Each alarm user and any fire alarm contractor, sprinkler contractor, employee of such contractors, or entity licensed to perform maintenance or testing of an alarm system will abide by this chapter and any instructions as required by the City.

- (1) All automatic dialing devices shall be prohibited from calling or dialing the Police Department ninety (90) days after adoption of this ordinance.
- (2) All alarm systems transmitting signals to the Communications Console in the Police Department shall be disconnected / removed from the Police Department ninety (90) days after adoption of this ordinance.
- (3) The provisions of this section shall apply to all alarm users except the various departments of the City.
- (4) Every alarm user shall submit to the Chief of Police the names and telephone numbers of at least two (2) persons who can be reached at any time, day or night, who are authorized to respond to an emergency signal transmitted by an alarm system, and who can open the premises wherein the alarm system is installed.
- (5) All alarm systems installed after the effective date of this ordinance, that use an audible horn, bell, or other signaling device shall be equipped with a device that will shutoff such horn or bell within ten (10) minutes after activation of the alarm system.
This shall not apply to fire alarm systems.

FORT WALTON BEACH CODE

- (6) Any alarm system emitting a continuous and uninterrupted signal for more than twenty (20) minutes from the time the Police or Fire Department is notified, which cannot be shut off or otherwise curtailed due to the absence or unavailability of the alarm user or those persons designated by the alarm user, and which disturbs the peace, comfort, or repose of a community, neighborhood, or considerable number of inhabitants of the area where the alarm system is located, shall constitute a public nuisance.

Upon receiving complaints regarding such a continuous and uninterrupted signal, the Police Chief shall endeavor to contact the alarm user or those persons designated by the alarm user in an effort to abate the nuisance. The Police Chief shall record the name and addresses of all complainants and the time each complaint was made. If the Police Chief or Fire Chief is unable to contact the alarm user or those persons designated by the alarm user, or if such person cannot or will not curtail the audible signal being emitted by the alarm system and if the Police Chief is otherwise unable to abate the nuisance, he shall direct a Police Officer, Firefighter, or a qualified alarm technician to enter upon the property or premises and take any reasonable action necessary to abate the nuisance.

If entry upon the property or premises in which the alarm system is located is made in accordance with this subsection, the person so entering upon such property: shall not conduct, engage in, or undertake any unwarranted search, seizure, inspection, or investigation while upon the property; shall not cause any unnecessary damage to the alarm system or to any part of the premises; and shall leave the property as soon as practical after the audible signal has ceased.

- (7) After an entry upon property has been made in accordance with this section, the Police Chief or Fire Chief shall have the property secured, if necessary. The Fire Department may have a key box or lock box installed in accordance with NFPA 1.3-6 at the expense of the alarm user. The reasonable costs and expenses of abating a nuisance in accordance with this section shall be assessed to the alarm user.

Within ten (10) days after abatement of a nuisance in accordance with this section, the alarm user may request a hearing before the Police Chief or Fire Chief and may present evidence showing that the signal emitted by his or her alarm system was not a public nuisance at the time of the abatement, that unnecessary damage was caused to his or her property in the course of the abatement, that the cost of the abatement should not be assessed to him, or that the requirements of this section were not fulfilled.

The Police Chief or Fire Chief shall hear all interested parties and may, at his or her discretion, reimburse the alarm user for the repairs to his or her property necessitated by the abatement or excuse the alarm user from paying the cost of abatement.

FORT WALTON BEACH CODE

- (8) Any fire alarm contractor, sprinkler contractor, employee of such contractors, or entity licensed to perform maintenance or testing of an alarm system, shall contact the Okaloosa County Emergency Dispatch System and the Fort Walton Beach Fire Department to inform them that maintenance or testing will be conducted on any system in the city prior to the beginning of any maintenance or testing.

8.02.12 False Alarms: When the Police or Fire Department responds to an emergency messages or signal of a burglar, robbery, medical, or fire alarm, and the responding department determines that the message or signal was false alarm, the following procedures shall apply.

8.02.121 False Alarm Report and Citation: The Police Department or Fire Department, upon receiving notification of an alarm activation, shall dispatch personnel to the scene of the activation. If the activation is determined to be false, the Officer shall complete a "*false alarm report and citation*" and leave a copy of the report and citation with the user or designated person on the property. In the event the user or the designee is not present, the Officer shall leave a copy of the report and citation in a conspicuous place on the premises and mail a copy of the report and citation to the permit holder at the address on file for the alarm permit.

8.02.122 Record of Activations: The Police Department and Fire Department shall keep a record of all false alarm activations for the past two (2) calendar years, in addition to a list of all alarmed premises, users and designated contacts.

8.02.123 Violations, Police Department Responses: If the Police Department records more than three (3) false alarms in a calendar year, from an alarm system or alarm monitoring company who monitors an alarm system, the user shall be fined, per false alarm, as follows:

- a. For the first three (3) violations within any twelve-(12) month period, there is no charge.
- b. For the fourth, fifth and sixth violation within any twelve-(12) month period, the fine is twenty-five dollars (\$25.00) per violation.
- c. For the seventh, eighth and ninth violation within any twelve-(12) month period, the fine is fifty dollars (\$50.00) per violation.
- d. For the tenth and each subsequent violation within any twelve-(12) month period, the fine is seventy-five dollars (\$75.00) per violation.
- e. Alarm activations exceeding twelve (12) false alarms shall be cause for the alarm permit to be revoked by the Police Chief.

8.02.124 Violations, Fire Department Responses:

- (1) If the fire department issues a false alarm report and citation, the user shall be fined, per false alarm, as follows:
 - a. For the first violation within any twelve-(12) month period, there is no charge

FORT WALTON BEACH CODE

- b. For the second violation within any twelve-(12) month period, the fine is fifty dollars (\$50.00).
 - c. For the third violation within any twelve-(12) month period, the fine is one hundred dollars (\$100.00).
 - d. For the fourth and each subsequent violation within any twelve (12)-month period, the fine may be up to five hundred dollars (\$500.00) per violation, at the discretion of the Fire Chief and based upon the user's history of false alarms, compliance with this ordinance, and efforts to remedy the cause of the false alarms.
- (2) If any false alarm is the result of any fire alarm contractor, sprinkler contractor, employee of such contractors, or entity licensed to perform maintenance or testing of an alarm system who has not provided maintenance and testing notice as required in section 8.02.11(8), the contractor or entity shall be fined, per false alarm, as follows:
- a. For the first violation within any twelve-(12) month period, the fine is one hundred dollars (\$100.00).
 - b. For the second violation within any twelve (12) -month period, the fine is two hundred dollars (\$200.00).
 - c. For the third violation within any twelve-(12) month period, the fine is three hundred dollars (\$300.00) per violation.
 - d. For the fourth and each subsequent violation within any twelve-month period, the fine may be up to five hundred dollars (\$500.00) per violation, at the discretion of the Fire Chief and based upon the contractor's or licensed entity's history of false alarms, compliance with this ordinance, and efforts to remedy the cause of the false alarms.

8.02.125 User Responsibility of Proof: The burden of proof shall be with the alarm user to show that a false alarm was not through mechanical failure, malfunction, improper installation, maintenance or negligence of the user or other persons authorized to be on the premises. Alarm users are responsible for the training of persons authorized to be on the premises to insure proper operation of the alarm system.

8.02.126 Continuous Malfunctions: Any burglar or robbery alarm system that continuously malfunctions or otherwise causes false alarms may be ordered disconnected by the Chief of Police. Any alarm user who fails or refuses to disconnect their alarm system after being notified by the Chief of Police to do so shall be notified by certified mail that there shall be a "non-response" to any future activations.

Upon satisfaction of all unpaid charges, renewal of the alarm permit, and repairs and certified by a licensed alarm installation company to the alarm system as required to bring the system back into proper working order have been completed the Chief of Police shall rescind the "nonresponse" order.

8.02.13 Alarm Citation Appeals: The Board of Adjustment shall hear, pursuant to the rules and procedures provided by the City's Codes for administrative appeals, all appeals regarding fines imposed by the Police Department or Fire Department pursuant to this chapter.

8.03 Temporary and Special Events; Permitting

8.03.01 Definitions

Farmers Market. A group of vendors principally involved in the sale of locally produced and grown fruits, vegetables, meats, and other goods intended for consumption.

Itinerant vendor. All persons, firms and corporations, as well as their agents and employees, who engage in the temporary or transient business in this City, of selling, or offering for sale, any goods, or merchandise including but not limited to meat, art, music, photographs and portraits, or exhibiting the same for sale or exhibiting the same for the purpose of taking orders for the sale thereof; and who, for the purpose of carrying on the business or conducting the exhibits thereof, either hire, rent, lease or occupy any room or space in any parking lot, building, structure or other enclosure in the City in, through, or from which any goods, or merchandise, may be sold, offered for sale, exhibited for sale or exhibited for the purpose of taking orders for the sale thereof.

Temporary business. Any business transacted, operated, or conducted in the City for which a written contract, agreement, or lease has not been made for the hire, rental or lease, for at least sixteen (16) days, of premises in or upon which the business is to be transacted, operated, or conducted.

Transient business. Any business transacted, operated, or conducted in the City by persons, including their agents or employees, who do not have a permanent place of business in the City, or who have their headquarters in places other than the City but move stocks of goods or merchandise or samples thereof into the City for sale and consumption but with the intention of removing the stocks of goods or merchandise or samples thereof away from the City before the expiration of sixteen (16) days.

Special event. A special event is an event such as art or historical displays or performances, music events and performances, parades, fairs, carnivals, bazaars, festivals, contests, rodeos, grand opening events for new businesses, that generally is intended for entertainment, arts and history education, church events, and other types of community building activities, and at which the sale of services products, food, drinks, stocks and goods, is incidental to the purpose of the special event.

Temporary event. A temporary event is an event such as farmers markets, fruit stands, open air markets, sidewalk sales, liquidation sales, push cart vendors, performers working for tips, concession stands, itinerant exhibitions, temporary businesses, transient businesses, and seasonal holiday sales lots, that generally is intended for commercial purposes and at which the sale of food and drinks is incidental to the main commercial purpose. This definition does not include garage sales conducted on residential properties.

8.03.02 Prohibition: The following temporary and special events shall be prohibited on city or private property unless a temporary or special event permit is obtained from the city manager: farmers markets, fruit stands, open air markets, sidewalk sales, liquidation sales, push cart vendors, concession stands, itinerant exhibitions, temporary businesses, transient businesses, art and history displays and performances, music events and performances, parades, fairs, carnivals, bazaars, festivals, contests, rodeos, grand opening events for new businesses, seasonal holiday sales lots for items such as pumpkins, fireworks, trees, etc., or any other activity or event tending to create or cause crowds, impede traffic or otherwise pose a detrimental effect on the public health, safety and welfare.

8.03.03 Permit Process

1. Any person planning to host, sponsor, or hold a temporary or special event shall apply for a permit for that temporary or special event no less than fifteen (15) days before the date of the proposed event or activity. The application shall be on a form provided by the City Manager, accompanied by the appropriate application fee as set forth in the Comprehensive Fee Schedule, and shall contain at least the following information:
 - a. name, address, and telephone number of the applicant;
 - b. name, address and telephone number of the owner of the property where the event is to be held and an owner's affidavit granting agency authority if the applicant is not the owner of the property;
 - c. the specific location of the event, to include the location on the property and physical dimensions of any structure, vehicle, tent or apparatus that will be used for the event;
 - d. the nature and purpose of the event;
 - e. the days and hours of activities for the event; and
 - f. any other information requested by the City Manager that is necessary to properly review the application.
- (2) Upon receipt of the application, the City Manager shall acknowledge receipt of the application and confirm in writing to the applicant that all necessary information was received and the application is sufficient for review.

FORT WALTON BEACH CODE

- (3) The City Manager and, if necessary, the Department Directors, Fire Chief, and Police Chief, shall review the application. Review of the application shall include consideration of the following criteria:
- a. the applicant is over the age of 18;
 - b. the applicant has paid the appropriate fee for the application review;
 - c. the applicant must provide proper traffic control, sanitation and litter control, and restroom facilities for the event;
 - d. there is sufficient parking on-site or provisions for parking off-site for the event and no public right of way, including sidewalks, will be blocked during the event;
 - e. the applicant will provide sufficient crowd control;
 - f. the proposed signage is appropriate for the site on which the event will be held;
 - g. the applicant has sufficient State and City licenses to conduct the event or make sales at the event; and
 - h. the applicant can provide sufficient insurance to protect the City from liability as a result of the event.
- (4) Upon the determination that the applicant has met the requirements set forth in this section and other applicable parts of the Code of Ordinances and Land Development Code, the City Manager may grant the temporary or special event permit. If the City Manager determines that the application does not satisfy the criteria above, in the best interests of the City to issue the permit, he shall as soon as reasonably possible notify the applicant in writing for the reasons for the denial.

8.03.04 Number of Days Permitted: A special event permit shall not exceed seven (7) consecutive days. A temporary event shall not exceed fifteen (15) days in any one month.

8.03.05 Licenses: Any person that hosts, sponsors, or conducts a temporary or special event shall have all State and County licenses and any necessary copyright permission, and a City business tax receipt, required for the activities to be conducted at the event or for the sale of any goods or materials, including alcohol, that will be available for sale or consumption during the event.

8.03.06 Limitation on Music Events: The City Manager may deny a special event application for a music event for any of the following reasons:

- a. there are other scheduled events in the City park;
- b. it is proposed to play music during a prime time for groups using the City park for picnics;
- c. two musical events are scheduled within a ten (10) day period;
- d. events by the same group are to be held more than twice a year.

8.03.07 Motorized Vehicles in Parks: During special event activities at a City park, recreational, or cultural center, motorized vehicles may be allowed to park on the park grounds for assembly and disassembly of vendor areas and to establish temporary parking areas.

FORT WALTON BEACH CODE

8.03.08 Alcohol Use for Events: During temporary or special events to be conducted at, upon, or on any public street, sidewalk, right-of-way, parking lot, in any alley, City park, City recreational or cultural center, City softball complex, City tennis complex, or other public property, the City Manager may permit temporary authority for individuals to consume or possess any alcoholic beverage in any cup, can, bottle, or other open container.

8.03.09 Appeals: If an application for a temporary or special event permit is denied, the applicant shall have five (5) days from the date of the written denial to request that the City Council review the denial. The applicant must be physically present or represented by an agent, authorized in writing to represent the applicant, at the Council Meeting during which the application will be reviewed. After consideration of the application and the reasons for denial, the City Council shall have the authority to grant or deny the application.

8.04 CONTRACTORS & TRADESMEN

8.04.01 Registration and License Required: All service contractors, specialty contractors and construction industry contractors shall obtain a City license prior to commencement of any work in the City.

8.04.02 Hold Harmless: Prior to the issuance of a City license, each contractor shall execute a hold harmless agreement holding the City and its officers, agents, employees or assigns, both individually and collectively, harmless from any liability caused by the contractor or his or her agents, employees or assigns. This hold harmless agreement will be on a form provided by the City.

8.04.03 Conditions of Issuance: Upon presentation of a valid copy of his or her liability insurance policy and evidence of Okaloosa County or State of Florida registration or certification, the City shall issue such contractor a business tax receipt in such form as is prescribed, to be valid from the date of purchase through September 30 of the current fiscal year.

8.04.04 Certification or Registration Required: Certification or registration by the Florida Construction Industry Licensing Board shall be required for general contractors, building contractors, residential building contractors, electrical contractors, plumbing contractors, mechanical contractors, swimming pool contractors, sheet metal contractors and roofing contractors.

8.04.05 Business Tax: An annual business tax receipt for all persons required to be registered with the City shall be established by resolution by the City Council.

FORT WALTON BEACH CODE

8.04.06 Annual Business Tax Receipt; Expiration: All business tax receipts shall be sold by the City Manager or his or her authorized representative, beginning September 1 of each year, shall be due and payable on October 1 of each year and shall expire on September 30 of the succeeding year. A business tax receipt not renewed by October 1 shall be considered delinquent and shall be subject to a delinquency penalty of ten percent (10%) for the month of October, plus an additional penalty of five percent (5%) for each month of delinquency thereafter until paid. However, the total delinquency penalty shall not exceed 25 percent (25%) of the business tax.

8.04.07 Liability Insurance Required: Contractors doing business in the City shall be required to carry bodily injury and property damage insurance in the amounts shown below:

Class	Bodily Injury	Property Damage
General, building and residential contractors	\$300,000.00	\$50,000.00
Class A and B air conditioning and mechanical contractors	100,000.00	25,000.00
Electrical contractors	100,000.00	25,000.00
Plumbing contractors	100,000.00	25,000.00
Roofing contractors	50,000.00	25,000.00
All other contractors	50,000.00	25,000.00

8.04.08 Policy Requirements; Additional Insureds: Such liability insurance shall be issued by an insurance company licensed to do business in the State, shall name the City as an additional insured by endorsement (on the appropriate insurance form or equivalent) and shall provide for a ten-day (10) notice of cancellation or reduction in coverage to the tax department of the City.

Evidence of insurance complying with this section shall be provided by a copy of the policy or by a certificate of insurance stating the company name; agent or agency name; policy number; inception and expiration date; limits of liability; that coverage is provided for the hold harmless agreement executed by the contractor; that the City is named as an additional insured by endorsement; and that the ten-day (10) notice of cancellation or reduction in coverage will be provided.

8.04.09 Reciprocity of Insurance: A contractor subject to these requirements who presently carries liability insurance in the amounts stated for work performed in the County or the Sate is not required to carry additional amounts of insurance required by this section.

8.04.10 Insurance Required to Issue Permit: Persons engaged in occupations relating to construction, repair, modification or other services in connection with maintenance and upkeep of buildings, equipment and facilities in the City are required to provide proof of insurance or a surety bond in the amounts shown in this chapter prior to issuance of necessary permits to proceed with work.

FORT WALTON BEACH CODE

8.04.11 Master Certificate, Prerequisite: The City shall not issue a business tax receipt to any person to engage in the business of electrical, plumbing, mechanical or gas construction and installation, unless such person holds a valid, un-revoked and unsuspended master's certificate of competency, or has in his or her regular employ a person who holds such master's certificate. The City shall also refuse to issue to any partnership a business tax receipt to engage in such business, unless such partnership has in its regular employ, or as a member, a person who holds such master's certificate. The City shall also refuse a business tax receipt to any corporation, which does not have in its regular employ a person who holds a master's certificate.

8.04.12 Use of Name or License by Another Prohibited: No person engaged in the electrical, mechanical, plumbing, fuel-gas or construction business in the City shall allow his or her name to be used by any other person, directly or indirectly, either to obtain a permit or for the construction of any work under his or her license. No person shall make any misrepresentation or omission in his or her application. Anyone violating this section shall have his or her license revoked for one (1) year, in addition to the penalty provided in section 1-8, or otherwise punishable by law.

8.05 FIRE SAFETY INSPECTION

8.05.01 Annual Inspection Required: All commercial, industrial, public assembly, and private schools shall have an annual fire safety inspection conducted by the City Fire Department to ensure such structures are in compliance with the City Code and applicable state statutes.

8.05.02 Inspection Fee; Time for Payment: An annual fire safety inspection fee, as established in the general fee schedule, shall be paid to cover the administrative costs of conducting the inspection. Such fee shall be paid within twenty (20) days of the inspection date.

8.06 LOCKSMITHS

8.06.01 Conditions for Locksmith's License: Before any business tax receipt is issued for a locksmith, the applicant must first present to the City a certificate from the Police Department showing that the applicant has been fingerprinted and that he has no past record of a felony conviction.

8.06.02 Bond Required: All locksmiths operating within the City are required to post a \$1,000 surety bond payable to the Mayor for the benefit of any resident of the City who suffers any loss resulting from proven acts of negligence upon the part of any such locksmith. Any person now holding a locksmith business tax receipt who fails to post the bond required by subsection (a) of this section shall have his or her business tax receipt revoked, and the tax receipt shall not be renewed, nor shall any new tax receipt be issued to any person, unless and until such a bond is first posted.

8.07 MOTOR VEHICLE TITLE LOANS

8.07.01 Definitions: The following words, terms and phrases when used in this chapter shall have the following meanings:

Motor vehicle An automobile, motorcycle, truck, trailer, semitrailer, truck tractor and semitrailer combination, or any other vehicle operated on the roads of this State, used to transport persons or property, and propelled by power other than muscular power, but the term does not include traction engines, road rollers, such vehicle as run only upon a track, bicycles or mopeds.

Title loan A loan of money secured by a bailment of title to a motor vehicle.

Title loan agreement A written agreement whereby the title loan lender agrees to make a loan of a specific sum of money to a borrower and the borrower agrees to give the title loan lender a security interest in an unencumbered motor vehicle certificate of title owned by the borrower.

Title loan lender Any person who is engaged in the business of making title loans or engaging in title loan agreements with borrowers, and includes but is not limited to, second-hand dealers as defined in Chapter 538, F.S., as may be amended from time to time.

8.07.02 Conditions of Transactions: A title loan lender may engage in a title loan transaction only if the following conditions are met.

8.07.021 Borrower Holding Certificate: If the title loan lender takes the certificate, the lender maintains physical possession of the motor vehicle certificate of title until the outstanding loan is satisfied. The borrower maintains possession of, or control over, the motor vehicle throughout the term of the loan. The borrower is not required to pay rent or any other charge for the use of the motor vehicle. The borrower is 18 years of age or older.

8.07.022 Title Loan Agreements: The title loan lender delivers to the borrower, at the time the loan is made, a written title loan agreement that contains the following information:

1. The make, model and year of the motor vehicle to which the loan relates.
2. The vehicle identification number, or other comparable identification number, along with the license plate number, if applicable, of the motor vehicle to which the loan relates.
3. The name, address, date of birth, physical description, and Social Security account number of the borrower.
4. The date of the transaction.
5. The identification number and the type of identification, including the issuing agency, accepted from the borrower.
6. The amount of money financed, designated as the "amount financed."
7. The maturity date of the title loan agreement which shall be no fewer than 30 days after the date of the title loan agreement is executed by the title loan agreement is executed by the title loan lender and the borrower.

FORT WALTON BEACH CODE

8. The total loan charge payable on the maturity date, designated as the "finance charge."
9. The total amount financed plus finance charge, which must be paid to redeem the loan property on the maturity date, designated as the "total number of all payments."
10. The annual percentage rate computed in accordance with the regulations adopted by the Federal Reserve Board pursuant to the Federal Truth-in-Lending Act.
11. The name and address of the title loan office issuing the loan.
12. A statement printed on not less than (14) point, bold type that: states Your vehicle has been pledged as security for this loan and if you do not repay this loan in full by (insert due date), including the interest accrued (finance charge), then YOU WILL LOSE YOUR VEHICLE. You are encouraged to repay this loan at the end of the 30-day period. The lender is not required to extend or renew your loan and may then repossess your vehicle if you do not repay the loan and the accrued interest. It is important that you plan your finances so that you can repay this loan as soon as possible. THIS LOAN HAS A VERY HIGH INTEREST RATE. DO NOT COMPLETE THIS LOAN IF YOU HAVE THE ABILITY TO BORROW FROM ANOTHER SOURCE AT A RATE LOWER THAN TWO AND ONE HALF PERCENT (2 1/2%) PER MONTH OR AN ANNUAL PERCENTAGE RATE OF LOWER THAN THIRTY PERCENT (30%).
13. A statement that "The borrower represents and warrants that the motor vehicle and the certificate of title is not stolen, it has no liens or encumbrances against it, the borrower has the right to enter into this transaction, and the borrower will not attempt to sell the motor vehicle or apply for a duplicate certificate of title while the loan is in effect."
14. Immediately above the signature of the borrower, on the same page, a statement that "I, the borrower, declare that the information I have provided is true and correct and I have read and understand the foregoing document."
15. A blank line for the signature of the borrower.

8.07.023 Sign to Be Displayed: The title loan lender displays in a prominent place in the title loan premises, a sign no smaller than three feet by five feet with the following message written in letters no less than three inches high: "IF YOU RECEIVE A TITLE LOAN, YOUR VEHICLE WILL BE PLEDGED AS SECURITY FOR THE LOAN. IF YOU DO NOT REPAY THIS LOAN IN FULL, INCLUDING ALL FINANCE CHARGES, YOU WILL LOSE YOUR VEHICLE. THIS LOAN HAS A VERY HIGH INTEREST RATE. DO NOT COMPLETE A TITLE LOAN TRANSACTION IF YOU HAVE THE ABILITY TO BORROW MONEY FROM ANY OTHER SOURCE AT AN INTEREST RATE LOWER THAN 0.08219 PERCENT PER DAY, 2.5 PERCENT PER MONTH, OR AN ANNUAL PERCENTAGE RATE OF 30 PERCENT."

8.07.03 Maximum Interest Rate, 30 Days: A title loan lender may not charge an interest rate in excess of 0.08219 percent per day, or two and five-tenths percent per 30-day period that the title loan agreement remains outstanding and unsatisfied. In determining compliance with the minimum interest and finance charges, the computation must be simple interest and not add-on interest or any other interest computation.

8.07.04 Maximum Interest Rate, 360 Days: If the title loan agreement has not been satisfied within 360 days, a title loan lender may not charge an interest rate in excess of 18 percent per annum or the maximum interest rate permitted by state statutes for consumer loans for the time the title loan agreement remains outstanding and unsatisfied beyond 360 days regardless of whether the loan is in default.

8.07.05 Compliance with Federal Regulations: The annual percentage rate that may be charged in a motor vehicle title loan may equal, but not exceed, the annual percentage rate that must be computed and disclosed as required by the Federal Truth-in-Lending Act and Regulation of the Board of Governors of the Federal Reserve System. When the period for which the charge is computed is more or less than one month, the minimum rate for the period must be computed on a basis of one-thirtieth of the applicable monthly interest rate, multiplied by the number of days of the period.

8.07.06 Prohibited Agreements: Any transaction involving a borrower's delivery of a motor vehicle certificate of title in exchange for the advancement of funds on condition that the borrower shall or may redeem or repurchase the certificate of title upon the payment of a sum of money, whether the transaction be characterized as a "buy-sell agreement", "sales-lease back agreement", or otherwise, shall be deemed a violation of this chapter if such sum exceeds the amount that a title loan lender may collect in a title loan agreement under this chapter, or if the terms of the transaction otherwise conflict with the permitted terms and conditions of a title loan agreement under this chapter.

8.07.07 Limitation on Charges: No charges, including interest, in excess of the combined total of all charges permitted by this chapter shall be allowed.

8.07.08 Prepayment Allowed: Prepayment or advance payment (partial or total) of principal shall be allowed without penalty after all accrued finance charges have been paid.

8.07.09 Loan Amount Limited by Value of Collateral: The maximum amount of any motor vehicle title loan secured by a single certificate of title may not exceed one third the wholesale value of the pledged automobile as determined by the most current appropriate edition of an N.A.D.A. Official Used Vehicle Guide.

8.07.10 Satisfaction Clears Encumbrances: When the title loan has been paid in full, the title loan lender must deliver to the borrower a certificate of title clear of all encumbrances placed upon the title by the title loan lender within 30 days of such payment in full.

8.07.101 Repossession Upon Default: A title loan lender who engages in title loan

FORT WALTON BEACH CODE

transactions may take possession of the motor vehicle upon the borrower's default under the title loan agreement following the time guidelines of section 538.16, F.S.. Unless the borrower voluntarily surrenders the motor vehicle, the title loan lender may only take possession of a motor vehicle through an agent licensed by the State of Florida to repossess motor vehicles.

8.07.102 Compliance with Florida Law: A title loan lender who takes possession of a motor vehicle pursuant to this section shall comply with the applicable requirements of chapter 679, part V, F.S. Disposition of the motor vehicle may be by public or private proceedings and may be made by way of one or more contracts. Sale or other disposition may be as a unit or in parts and at any time and on any terms, but every aspect of the disposition including the method, manner, time, place and terms including surplus of the debt must be commercially reasonable and conducted in compliance with chapter 679, part V, F.S., which includes, among other requirements, borrower notification requirements as to manner, method of sale as well as an accounting to the borrower of any surplus from the sale. Any surplus shall be paid to the borrower within thirty days of the sale or disposition.

8.07.103 Right to Redemption: Following repossession but prior to disposition of the motor vehicle by sale, the borrower shall have the right to redeem the motor vehicle by payment of the full amount due as of the date of tender of the redemption offer plus the reasonable costs of repossession. The title loan lender shall return the motor vehicle immediately and release the certificate of title with all of the title lender's liens on the property released within 30 days of the full amount due.

8.07.11 Records Maintained at Location: Every title loan lender shall maintain, at the location at which the title loan was made, all books, accounts, records, receipts for expenses, each contract signed by a borrower, all other documents associated with each title loans transaction and any other documents necessary to determine the title loan lender's compliance with this chapter for a period of two years from the date the loan was satisfied. Each title loan lender shall designate and maintain an agent in this state for service of process.

8.07.12 Effective Date; Impairment: No part of this chapter may be construed to impair or affect the obligation of any title loan agreement that was lawfully entered into prior to the effective date of this chapter.

8.07.13 Violations: The following acts are violations of this chapter and chapter 501, part II, F.S., "Florida Fair and Deceptive Trade Practices Act:"

- (1) Failure to comply with any provision of this chapter.
- (2) Failing to comply with any applicable provision of chapter 538, F.S., to the extent not preempted by a provision of this chapter, or chapter 679, part V, F.S., as it may be amended from time to time.
- (3) Committing any act of fraud, misrepresentation, deceit or gross negligence regardless of reliance by or to a borrower, or any illegal activity in connection with a title loan.

FORT WALTON BEACH CODE

- (4) Fraudulently misrepresenting, circumventing, or concealing any matter required to be stated or furnished to a borrower pursuant to this chapter.
- (5) Willful imposition of illegal charges on any title loan transaction.
- (6) Engaging in false, deceptive, or misleading advertising with respect to title loans.
- (7) Failure to maintain, preserve and keep available for examination all books, accounts, or other documents required by this chapter, state or federal law.
- (8) Aiding, abetting, or conspiring with an individual to circumvent or violate any requirements of this chapter or state or federal law regulating title loan lenders.
- (9) Engaging in criminal conduct in the course of a business as a title loan lender.
- (10) Knowingly entering into a title loan agreement with a person under the age of 18 years.
- (11) Making any agreement requiring or allowing for the personal liability of a pledgor or the waiver of any of the provisions of this chapter or chapter 679, part V, F.S..
- (12) Knowingly entering into a title loan agreement with any person who is under the influence of drugs or alcohol when such condition is visible or apparent, or with any person using a name other than his or her own name or the registered name of a business.
- (13) Entering into a title loan agreement in which the amount of money advanced in consideration for the loan secured by any single certificate exceeds the maximum allowed under this chapter.
- (14) Failing to exercise reasonable care in the safekeeping of the certificate of title.
- (15) Failing to return the certificate of title or motor vehicle taken into possession but prior to its disposal under chapter 679, part V, F.S., to a borrower, with any and all of the title lender's liens on the property released within 30 days of the payment of the full amount due, unless the property has been seized or impounded by an authorized law enforcement agency, taken into custody by a court, or otherwise disposed of by a court order.
- (16) Charging or receiving any finance charge, interest, cost, or fee that is not permitted by this chapter.

FORT WALTON BEACH CODE

- (17) Refusing to accept partial repayment of the principal amount financed when all accrued finance charges have been paid.
- (18) Charging a prepayment penalty.
- (19) Capitalizing any unpaid finance charge as part of the amount financed in the renewal of the title loan agreement which would cause the new principal amount to exceed the maximum amount allowed under this chapter.
- (20) Assigning or transferring a motor vehicle title loan agreement to another person or entity.

8.07.14 Enforcement by City: Any violation of this chapter may be punished as provided in section 1.05, of the Code.

In addition, the city may bring a civil action in any court of competent jurisdiction to enforce or administer this chapter including seeking a temporary or permanent injunction or appointment of a receiver when it has reasonable cause to believe that a title loan lender is operating in violation of this chapter. The city shall be entitled to an award of costs and reasonable attorney's fee, including appellate fees and costs, in an action successfully enforcing the terms of this chapter.

8.07.15 Violation as Misdemeanor: In addition to any civil remedy available to the City of Fort Walton Beach under this chapter, the violation of any part of this chapter shall be a second-degree misdemeanor punishable in the manner provided by general Florida law.

8.07.16 Borrower's Remedy: A recipient/borrower of a title loan transaction may bring a civil action against the title loan lender violating the provisions of this chapter in a court of competent jurisdiction in Okaloosa County. Upon adverse adjudication, the defendant shall forfeit the entire interest so charged or contracted to be charged and shall be liable to the borrower for two times the original loan amount, together with court cost and attorney's fees incurred by the borrower. If the court finds that the suit fails to raise a justifiable issue of law or fact, the defendant shall be entitled to court cost and reasonable attorney's fees incurred by the defendant.

8.08 SOLICITORS: For the purpose of this section, *solicit* and *solicitation* shall be construed as any attempt to obtain charitable contributions, or attempts to sell any good or service, for the benefit of the solicitor or on behalf of an individual or organization.

No person shall solicit or conduct solicitation activities within the city limits of Fort Walton Beach without applying for and receiving a permit and paying the applicable business tax, if necessary, for such activity. When soliciting in residential areas, solicitors shall use only the front door to the dwelling house and shall not solicit at any side or back door. Door-to-door solicitors are authorized to solicit their goods and/or wares in the city only between 9:00 a.m. and official sunset as established by the US Naval Observatory on weekdays. Soliciting on Saturday,

FORT WALTON BEACH CODE

Sunday, New Year's Day, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans' Day, Thanksgiving Day or Christmas Day is prohibited. No person shall solicit, with or without a permit, at any residence, dwelling, or any commercial establishment that displays a "no soliciting" sign.

8.09 DOWNTOWN BUSINESS AND ENTERTAINMENT DISTRICT

8.09.01 District, Boundaries Created: There is hereby created a downtown business and entertainment district in the City of Fort Walton Beach in order to encourage commercial and entertainment activities in the downtown. The district shall include all property as depicted in the figure below

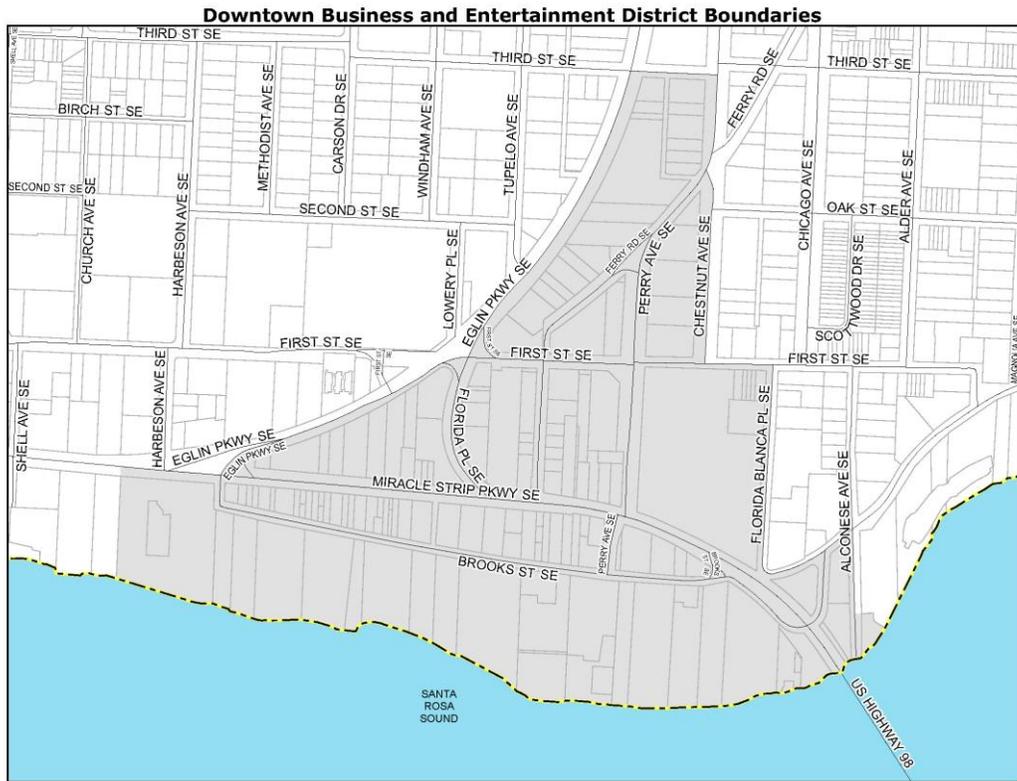


Figure 8.09.01 Downtown Business and Entertainment District Boundaries

FORT WALTON BEACH CODE

8.09.02 District Hours of Operation: The Downtown Business and Entertainment District shall only be in effect during the following days/times:

- a. Thursdays - 4:00 p.m. to 11:00 p.m.
- b. Fridays - 4:00 p.m. to 2:00 a.m.
- c. Saturdays – 7:00 a.m. to 2:00 a.m.
- d. Sundays – 12:00 p.m. to 7:00 p.m.
- e. Federally Recognized Holidays – 8:00 a.m. to 10:00 p.m.

8.09.03 Noise: Within the District, no person shall cause or allow the making of any sound that causes a noise disturbance in excess of the sound level limits as stated in the table below:

Days/Hours	Sound Level (DBA)
Monday through Thursday	
7:00 a.m. to 11:59 p.m.	80
12:00 a.m. to 7:00 a.m.	70
Friday through Sunday	
7:00 a.m. to 1:59 p.m.	80
2:00 a.m. to 7:00 a.m.	70

Figure 8.09.03 Noise Disturbance Levels

Sound level measurements are taken 100 feet from the source of the sound or 50 feet from the property line of the property where the noise is generated, whichever is greater. The sound is considered to be in excess of the sound level limit when it exceeds the stated DBA for more than 15 seconds per minute.

Temporary relief from the maximum sound level limits may be granted through a special event permit approved by the City. The City shall consider the days/hours of the event, as well as any other relevant information, when determining whether to grant the temporary relief.

8.09.04 Open Alcoholic Beverages Allowed: Within the Downtown Business and Entertainment Overlay District, patrons and guests may exit licensed establishments with open containers of alcoholic beverages and may consume those beverages anywhere within the confines of the District in accordance with the following:

1. One (1) alcoholic beverage is allowed per person in a plastic cup no greater than 16 oz. as approved by the City.
2. Patrons may not enter another licensed premise with open or closed containers of alcoholic beverages acquired elsewhere.

FORT WALTON BEACH CODE

Properties located in the Downtown Business and Entertainment District are not subject to the distance separation requirements as outlined in Section 9.01.02 of the Code of Ordinances.

8.09.05 Roadside Vendors Allowed: Within the District, there is hereby established a roadside vendor program whereby vendors and/or street performers may be allowed within the District by permit only.

The applicant must submit an application to the City on a form provided by the City.

The City will issue no more than twenty-five (25) permits on an annual basis. Priority will be given to establishments which have a permanent business location within the District. The remaining permits will be issued on a first come, first serve basis.

The days and hours of operation will be determined by the permit conditions issued by the City and may vary depending on the season and planned activities within the District.

8.09.06 Temporary Road Closures: During District Hours, the City may permit the temporary closure of a City street in the District for certain events and activities.

An application must be submitted on a form provided by the City along with an approved Maintenance of Traffic plan which insures access to all properties along the closed section of road.

The City will review the request and determine if and when the street shall be closed. Applications for temporary closure of a State road must be submitted to the Florida Department of Transportation.

8.10 VEHICLES FOR HIRE

8.10.01 License, Photograph, Fingerprints Required: No person shall operate a vehicle for hire in the City without first obtaining a business occupational operator's license from the City that identifies the driver and has a photograph of the driver. In addition, all drivers shall be fingerprinted.

8.10.02 Display of License: A licensed operator of a vehicle for hire shall display the taxicab operator's license when operating a taxicab in the City.

8.10.03 Posting, Filing of Rates: Every vehicle for hire operated in the City shall have its rates posted in a conspicuous place in such taxicab, including a complete schedule of all rates and charges for transportation of persons, packages and baggage.

A copy of such rate schedule shall be filed with the City Clerk, and such rates shall not be changed unless a copy of the new rate schedule is filed with the City.

8.11 Reserved

8.12 Construction & Demolition Debris Hauling Services

8.12.01 Definitions: The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Construction and demolition debris: Discarded materials generally considered to be not water-soluble and non-hazardous in nature including, but not limited to, steel, brick, concrete, asphalt roofing material, pipe, gypsum wallboard, and lumber from the construction or demolition project or from the renovation of a structure; and including rocks, soil, tree remains, trees, shrubbery, and other vegetative matter that normally results from clearing or land development operations for a construction project, including such debris from construction of structures at a site remote from the construction or demolition project site.

Construction and demolition debris collection vehicle: A vehicle specifically designed for the collection and transport of Construction and Demolition Debris. Such vehicle may be equipped with a permanently mounted debris collection container, or equipped with a detachable container capable of being offloaded, loaded, and transported to and from the construction and demolition debris collection point. All vehicles approved for this type of service shall be equipped with appropriate dust/debris covers to ensure that collected materials are secured within the container during transport.

Construction and demolition debris container: A container used for the collection, storing, and transport of construction and demolition debris to and from residential, commercial, and industrial properties within the incorporated boundaries of the City of Fort Walton Beach. For the purposes defined herein, such container shall either be detached and able to be hauled to and from the service site by a motor vehicle, or permanently attached to a motor vehicle for loading, transport, and disposal.

Construction and demolition debris hauler: A business enterprise properly licensed through the City of Fort Walton Beach and operated for the expressed purpose of collecting, transporting, and disposing of construction and demolition debris.

Business tax receipt: That license and the fees paid that are associated with operating, within the City limits, a construction and demolition debris hauling service, being more particularly described in the city's Comprehensive Fee Schedule, Appendix A, Page 1, "Contractors", "Category A".

8.12.02 Owner and vehicle registration provisions: It shall be unlawful for any person, either as principal, agent or employee, to perform any services associated with the collection, storage, and transportation of construction and demolition debris without first obtaining a business tax receipt from the City's Customer Services Division and registering the company, owner, and service vehicles with the City's Solid Waste Division, using a format approved by the City

FORT WALTON BEACH CODE

Manager. The information for registration shall include, but not be limited to, the license plate number, make, model and manufacturer's serial number of each vehicle that will be used or deployed in the City limits; the date each vehicle was put into service in the City limits; the driver's license number of the owner and any operator for each vehicle; the name of the insurance company or companies with which the owner and operators have liability insurance coverage for the operation of the vehicle as required by law; and such other information as may be required.

8.12.03 Permitted Activity: Those business enterprises with a valid business tax receipt and that are properly registered with the city to perform construction and demolition debris hauling services shall be permitted for the following activities within the corporate boundaries of the City of Fort Walton Beach:

1. The right to contract directly with residential property owners or tenants, commercial property owners or tenants, and industrial property owners or tenants for the collection, storage, and transportation of construction and demolition debris.
2. After entering into a contract for services with the owner or tenant, the right to deposit a construction and demolition debris container on a residential, commercial, or industrial property for the express purpose of collecting construction and demolition debris.
3. After entering into a contract for services with the owner or tenant, the right to store construction and demolition debris materials in an approved container as outlined in 8.12.03(2) for a period not to exceed 30 calendar days.
4. After entering into a contract for services with the owner or tenant, the right to transport collected construction and demolition debris materials from the point of collection through the city to an approved construction and demolition debris receiving station, provided safeguards are in place to ensure that collected materials remain in place within the hauling container during transport.

8.12.04 Prohibited Activity: Those business enterprises properly registered with the City of Fort Walton Beach to perform construction and demolition debris hauling services are prohibited from performing any other service or activity, within the city limits, unless such hauling service has obtained the proper business tax receipt. Other service or activity shall be construed to mean those hauling services that are consistent with other forms of solid waste collection and disposal including, but not limited to, collection and disposal of garbage/refuse, recyclables other than construction and demolition debris, white goods, hazardous wastes, or the operation of a solid waste transfer station or landfill disposal site.

8.12.05 Insurance Requirements: It is a violation of this chapter to operate a construction and demolition debris collection vehicle without maintaining insurance coverage in the following minimum amounts:

1. General liability insurance in an amount of not less than \$300,000 combined single limit liability.
2. Bodily injury liability insurance and property damage liability insurance in amounts of: not less than \$50,000.00 per occurrence for a construction and demolition debris collection vehicle with a gross vehicle weight of less than 35,000 pounds; not less than \$100,000.00 per occurrence for a construction and demolition debris collection vehicle with a gross vehicle weight of 35,000 pounds or more but less than 44,000 pounds; and not less than \$300,000.00 per occurrence for a construction and demolition debris collection vehicle with a gross weight of more than 44,000 pounds.

8.12.06 Violations: Violations of this or section shall be prosecuted pursuant to chapter 1.05 of the city code.

FORT WALTON BEACH CODE

**CHAPTER 8
TABLE OF HISTORICAL NOTES AND REFERENCES**

2005 Code Section	1992 Code Section	State Law References/Other Historical Notes
	22-81 through 22-98	Repealed: Ord. 1679 (11-8-05)
8.00--8.01	20-44	Ord. 1679 (11-8-05)
8.01.01--8.01.19		Ord. 1725, § II (4-24-07)
8.01.15		Ord. 1725, § II (4-24-07); Ord. 1749, § II (1-8-08)
8.01.19	20-44	Code 1985, § 804.02; Ord. 1725, § II (4-24-07)
8.02		§ 489.501 et seq., F.S., Alarm systems contractors; Ord. 1667 (11-8-05)
8.02.01		Ord. 1787, § 2 (1-13-09)
8.02.04		Repealed Ord. 1787, § 3 (1-13-09)
8.02.11		Ord. 1787, § 4 (1-13-09)
8.02.12		Ord. 1787, § 5 (1-13-09)
8.02.121		Ord. 1787, § 5 (1-13-09)
8.02.122		Ord. 1787, § 5 (1-13-09)
8.02.123		Ord. 1787, § 5 (1-13-09)
8.02.124		Ord. 1787, § 5 (1-13-09)
8.02.125		Ord. 1787, § 5 (1-13-09)
8.02.126		Ord. 1787, § 5 (1-13-09)
8.02.13		Ord. 1787, § 6 (1-13-09)
8.03		Ch. 546, F.S., Amusement facilities; Ch. 555, F.S., Outdoor theaters; Ord. 1823 (3-9-10)
8.03.01	22-197	Code 1985, § 858.01; Ord. 1823 (3-9-10)
8.03.02	22-123	Code 1985, § 808.02; Ord. 1725, § III (4-24-07); Ord. 1823 (3-9-10)
8.03.03	22-122	Code 1985, § 808.01; Ord. 1725, § III (4-24-07); Ord. 1823 (3-9-10)
8.03.04	22-198	Code 1985, § 858.02; Ord. 1823 (3-9-10)
8.03.05	22-124	Code 1985, § 808.03; Ord. 1725, § III (4-24-07); Ord. 1823 (3-9-10)
8.03.051	22-121	Repealed: Ord. 1676 (11-22-05)
8.03.052	22-196	Repealed: Ord. 1676 (11-22-05)
8.03.06		Ord. 1823 (3-9-10)
8.03.07		Ord. 1823 (3-9-10)
8.03.08		Ord. 1823 (3-9-10)
8.03.09		Ord. 1823 (3-9-10)
8.04		Ord. 1623, (3-22-05); Repealed Ord.
8.04.03		Ord. 1725, § III, (4-24-07)
8.04.05		Ord. 1725, § III, (4-24-07)
8.04.06		Ord. 1725, § III, (4-24-07)
8.04.11		Ord. 1725, § III, (4-24-07)
8.05.01	16-2	Ord. 1559, (6-24-03); Ord. 1726, § III (9-11-07)
8.05.02	16-2(b-c)	Ord. 1559, (6-24-03)
8.05.021	22-171	Repealed: Ord. 1676 (11-22-05)
8.06.01	22-172	Code 1985, § 846.01; Ord. 1725, § III, (4-24-07)
8.06.02	22-173	Code 1985, § 846.02; Ord. 1725, § III, (4-24-07)
8.07		§ 538.17, F.S.

FORT WALTON BEACH CODE

2005 Code Section	1992 Code Section	State Law References/Other Historical Notes
8.07.01	23-141	Ord. 1405 (4-11-00)
8.07.02	23-142	Ord. 1405 (4-11-00)
8.07.021		Ord. 1405 (4-11-00)
8.07.022		Ord. 1405 (4-11-00)
8.07.023		Ord. 1405 (4-11-00)
8.07.03	23-143	Ord. 1405 (4-11-00)
8.07.04	23-143(b)	Ord. 1405 (4-11-00)
8.07.05	23-143(c)	Ord. 1405 (4-11-00)
8.07.06	23-143(d)	Ord. 1405 (4-11-00)
8.07.07	23-143(e)	Ord. 1405 (4-11-00)
8.07.08	23-143(f)	Ord. 1405 (4-11-00)
8.07.09	23-143(g)	Ord. 1405 (4-11-00)
8.07.10	23-144(a-e)	Ord. 1405 (4-11-00)
8.07.101		Ord. 1405 (4-11-00)
8.07.102		Ord. 1405 (4-11-00)
8.07.103		Ord. 1405 (4-11-00)
8.07.11	23-144(f-g)	Ord. 1405 (4-11-00)
8.07.12	23-144(h)	Ord. 1405 (4-11-00)
8.07.13	23-145(a)	Ord. 1405 (4-11-00)
8.07.14	23-146(a-b)	Ord. 1405 (4-11-00)
8.07.15	23-146(c)	Ord. 1405 (4-11-00)
8.07.16	23-146(d)	Ord. 1405 (4-11-00)
	22-221	Repealed: Ord. 1676 (11-22-05)
8.08	22-222	Code 1985, § 872.02; Ord. 947 (6-9-87); Ord. 1723, § 2 (4-24-07)
8.09	22-147, 22-148	Code 1985, § 844.01; Ord. 171.23 (6-12-84) Reserved, Ord 1892 (3-25-14)
8.09.01	22-146	Repealed: Ord. 1676 (11-22-05) Reserved, Ord 1892 (3-25-14)
8.09.02	37-26	Repealed: Ord. 1676 (11-22-05) Reserved, Ord 1892 (3-25-14)
8.09.03		Ord 1892 (3-25-14)
8.09.04		Ord 1892 (3-25-14)
8.09.05		Ord 1892 (3-25-14)
8.09.06		Ord 1892 (3-25-14)
8.10.01	37-27	Code 1985, § 878.01
8.10.02	37-28	Code 1985, § 878.02
	37-29	Repealed: Ord. 1676 (11-22-05)
8.10.03	37-30	Code 1985, § 878.04
8.11		Ord. 1671, § 3, adopted June 13, 2006, repealed the former Ch. 8.11, §§ 8.11.01--8.11.08, which pertained to wreckers and was derived unamended from the 2006 codification. Section 4 of Ord. No. 1671 enacted new provisions pertaining to similar subject matter and designated as Ch. 11.12, §§ 11.12.01--11.12.13., Reserved
8.11.01	38-1	Code 1985, § 886.01; Ord. 1557 (8-12-03),
8.11.02	38-2	Code 1985, § 886.99; Ord. 1557 (8-12-03),

FORT WALTON BEACH CODE

8.11.03	38-3	Code 1985, § 886.02; Ord. 974 (12-8-87); Ord. 1283 (5-9-95); Ord. 1557 (8-12-03),
8.11.04	38-4	Code 1985, § 886.03; Ord. 933 (4-28-87); Ord. 1283 (5-9-95); Ord. 1557 (8-12-03),
8.11.05	38-5	Code 1985, § 886.04; Ord. 933 (4-28-87); Ord. 974 (12-8-87); Ord. 1283 (5-9-95); Ord. 1557 (8-12-03)
8.11.06	38-6	Code 1985, § 886.05; Ord. 933 (4-28-87); Ord. 1283 (5-9-95); Ord. 1557 (8-12-03)
8.11.07	38-7	Code 1985, § 886.06; Ord. 974 (12-8-87); Ord. 1283 (5-9-95); Ord. 1557 (8-12-03)
8.11.08	38-8	Ord. No. 1283, § 6, 5-9-95; Ord. 1557 (8-12-03)
8.12		Ord. 1807 (1-26-10)
8.12.01		Ord. 1807 (1-26-10)
8.12.02		Ord. 1807 (1-26-10)
8.12.03		Ord. 1807 (1-26-10)
8.12.04		Ord. 1807 (1-26-10)
8.12.05		Ord. 1807 (1-26-10)
8.12.06		Ord. 1807 (1-26-10)