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9.00 GENERAL

9.00.01 Violations: Unless stated otherwise, violations of this chapter are punishable as provided in section 1.05.

9.00.02 State Misdemeanors Incorporated: No person shall commit, within the City, any act which is recognized by the laws of the State as a misdemeanor, and the commission of any such act is hereby prohibited.

9.01 ALCOHOLIC BEVERAGES

9.01.02 Prohibited Locations for Sales

- a. An establishment with on-premises consumption of alcoholic beverages may not be located within 500 feet of the main entrance of a public or private elementary school, middle school, or secondary school, except as allowed in the Downtown Business and Entertainment District in Section 8.09 of the code.
- b. **“School, public or private”** shall mean premises or site upon which there is an institution of learning, whether public or private, that conducts regular classes and courses of study required for accreditation as an elementary, secondary, or post-secondary school by the State of Florida.
- c. **“Main entrance”** shall be defined as the opening of a structure, such as a door, passage, or gate which allows principle access to a place.
- d. The 500 feet distance shall be measured over the nearest usually traveled pedestrian route between the school and the main entrance of the alcohol sales establishment.
- e. This section shall not apply to any location that is licensed as a restaurant which derives at least 51 percent of its gross revenues from the sale of food and nonalcoholic beverages pursuant to chapter 509, or establishments licensed to sell alcoholic beverages for off-premises consumption only, or establishments licensed to sell alcoholic beverages on the effective date of this Ordinance, or any person obtaining a special events permit from the City.
- f. Should a school existing on the effective day of this ordinance, expand or otherwise move within 500 feet of any existing establishment licensed to sell alcoholic beverages, the existing establishment shall be exempt from the provisions of this section and such establishment shall be permitted to expand its facility from time to time irrespective of the distance restrictions in this section.
- g. Uses in existence as of the effective date of this section shall not be rendered nonconforming by these provisions, nor shall the provisions of this section preclude the reconstruction of an alcoholic beverage establishment following a disaster (fire, flood, etc.), provided all other applicable building, zoning, and other codes are met.

9.01.03 Reserved

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9.01.04 Hours for Sales: Alcoholic beverages, regardless of the alcoholic content, may be sold, consumed, served, or permitted to be served or permitted to be consumed in any establishment holding an appropriate and valid license under the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation, except between the hours of 4:00 a.m. and 7:00 a.m..

9.01.05 Conduct in Sales Establishments: It is hereby declared that the following prohibited acts encourage conduct in and around establishments dealing in alcoholic beverages which results in violation of law and is dangerous to the health, safety and welfare of the public, and it is the intent of this section to prohibit nudity, gross sexuality and the simulation and depiction thereof in establishments dealing in alcoholic beverages.

9.01.051 Definition: As used in this section, "*establishment dealing in alcoholic beverages*" means any business establishment operating within the corporate limits of the city which sells alcoholic beverages for consumption on the premises.

9.01.052 Nudity & Sexual Conduct Prohibited: No person shall violate the following prohibitions:

1. No person shall expose to public view his or her genitals, pubic area, vulva, anus, anal cleft or cleavage or any simulation thereof in an establishment dealing in alcoholic beverages.
2. No female person shall expose to public view any portion of her breasts below the top of the areola or any simulation thereof in an establishment dealing in alcoholic beverages.
3. No person maintaining, owning or operating an establishment dealing in alcoholic beverages shall suffer or permit any person to expose to public view his or her genitals, pubic area, vulva, anus, anal cleft or cleavage or simulation thereof within such establishment.
4. No person maintaining, owning or operating an establishment dealing in alcoholic beverages shall suffer or permit any female person to expose to public view any portion of her breasts below the top of the areola or any simulation thereof within such establishment.
5. No person shall engage in, and no person maintaining, owning or operating an establishment dealing in alcoholic beverages shall suffer or permit, any sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, sexual act prohibited by law, or touching, caressing or fondling of human breasts, buttocks, anus or genitals, or any simulation thereof, within an establishment dealing in alcoholic beverages.
6. No person shall cause, and no person maintaining, owning or operating an establishment dealing in alcoholic beverages shall suffer or permit, the exposition of any graphic representation, including pictures or the projection of film, which depicts human genitals, the human pubic area, vulva, anus, anal cleft or cleavage, the female breasts below the top of the areola, sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, a sexual act prohibited by law, or touching, caressing or fondling of human breasts, buttocks, anus or genitals, or any simulation

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thereof, within any establishment dealing in alcoholic beverages except that the exhibition or showing of motion picture films which have received a rating of "General," "Parental Guidance," "Parental Guidance 13" or "Restricted" from the Motion Picture Association of America shall not be restricted or prohibited.

9.01.06 Consumption, Possession, Open Containers Restricted: An *open container* means any container of alcoholic beverage which is immediately capable of being consumed from, or the seal of which has been broken.

It shall be unlawful for any person to consume, induce, assist or aid another to consume any alcoholic beverage or possess in any cup, can, bottle, or other open container any alcoholic beverage upon or on any public street, sidewalk, right-of-way, parking lot, in any alley, City park, City Recreation Center, City Stadium, City softball complex, City tennis complex, or other public property within the City except as permitted pursuant to the procedure set forth in section 8.3 and 8.09 of the code, as amended.

9.01.07 On-premise Consumption Prohibited: It is unlawful for any person to consume any alcoholic beverages on premises licensed by the City and State to sell such alcoholic beverages only for consumption off the premises.

9.02 STRUCTURES ON CITY PROPERTY PROHIBITED: No person shall have, maintain, occupy or use, or cause to be maintained, occupied or used, any fence, enclosure, building, house, shed, tent or other structure or obstruction, on any street, park or other property, or on any part thereof, of the City, except as authorized by the City Council or permitted pursuant to the procedure set forth in section 8.3 of the code, as amended.

9.03 INJURY TO REAL PROPERTY PROHIBITED: No person shall remove dirt or topsoil from the property of another or in any way molest the real property of another.

9.04 ASSEMBLIES OBSTRUCTING STREETS, SIDEWALKS PROHIBITED

9.04.01 Loitering Defined: *Loitering* shall mean remaining idle in essentially one location and shall include the concept of spending time idly; to be dilatory; to linger; to stay; to saunter; to delay; to stand around and shall also include the colloquial expression "hanging around."

9.04.02 Obstructive Loitering Prohibited: Unless otherwise permitted under lawful authority of the City, it shall be unlawful for any person to loiter, loaf, wander, stand, or remain idle, either alone or in consort with others in a public place in such manner so as to:

1. Obstruct any public street, public sidewalk, or any other public place or building by hindering or impeding or tending to hinder or impede the free and uninterrupted passage of vehicles, traffic, or pedestrians.
2. Commit in or upon any public street, public highway, public sidewalk or any other public place or building any act or thing which is an obstruction or interference to the free and uninterrupted use of property or with any business lawfully conducted by anyone in or upon or facing or fronting on any such public street, public highway, public sidewalk, or any other public place or building, all of which prevents free and uninterrupted ingress, egress, and regress, therein, thereon, and thereto.

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9.04.03 Order to Cease, Desist Required: When any person causes or commits any of the conditions enumerated above, a Police Officer or any Law Enforcement Officer shall order that person or those persons to stop causing or committing such conditions and to move on or disperse. Any person who fails or refuses to obey such orders shall be guilty of a violation of this section.

9.05 LOITERING RELATED TO DRUG ACTIVITY PROHIBITED

9.05.01 Prohibition: It shall be unlawful for any person to loiter in a public place in a manner and under circumstances manifesting the purpose of illegally using, possessing, transferring or selling any controlled substance as that term is defined in the Florida Statutes.

9.05.02 Circumstances Evidencing Purposes: Among the circumstances which may be considered in determining whether such a purpose is manifested are:

- 1 The person is a known illegal user, possessor or seller of controlled substances, or the person is at a location frequented by persons who illegally use, possess, transfer or sell controlled substances. A "*known illegal user, possessor or seller of controlled substances*" is a person who, within one (1) year previous to the date of arrest for violation of this section, has within the knowledge of the Arresting Officer been convicted of illegally manufacturing, using, possessing, selling, purchasing or delivering any controlled substance.
- 2 The person repeatedly beckons to, stops, attempts to stop or engage in conversation with passersby, whether such passersby are on foot or in a motor vehicle, for the purpose of inducing, enticing, soliciting or procuring another to illegally possess, transfer or buy any controlled substance.
- 3 The person repeatedly passes to or receives from passersby, whether such passersby are on foot or in a motor vehicle, money, objects or written material for the purposes of inducing, enticing, soliciting or procuring another to illegally possess, transfer or buy any controlled substance.

9.05.02(A) Demonstration of Intent Required for Violation: In order for there to be a violation of this chapter, the person's affirmative language or conduct must be such as to demonstrate by its express or implied content or appearance a specific intent to induce, entice, solicit or procure another to illegally possess, transfer or buy a controlled substance.

9.05.03 Opportunity to Explain Required: No arrest shall be made for a violation of this section unless the Arresting Officer first affords the person an opportunity to explain his or her conduct, and no one shall be convicted of violating this section if it appears at trial that the explanation given was true and disclosed a lawful purpose.

9.06 LOUD AND UNUSUAL NOISES PROHIBITED

9.06.01 Prohibition: No person shall maliciously or willfully disturb the quiet of any street or neighborhood, or of any family of persons, by making loud or unusual noises; by blowing horns or other instruments; by the beating of drums, pans or other things of like nature; by loud and boisterous laughing, singing or screaming; or by using any other device or means whatever to disturb the peace.

9.06.02 Prohibited Noises Defined: The following acts and omissions are hereby prohibited:

- 1 ***Horns and other signaling devices.*** The sounding of any horn or other signaling device on any motor vehicle on any street or public place of the city, except as specifically permitted or required by law, or as a danger warning, and the sounding of any such device for any unnecessary period of time.
- 2 ***Exhausts.*** The discharge into the open air of the exhaust of any steam engine, stationary or portable internal combustion engine, or motor vehicle, except through a muffler in good repair or other device that effectively prevents loud or disturbing noises, provided that where such steam engine, stationary or portable internal combustion engine or motor vehicle is enclosed within a building used for industrial or commercial purposes, a reasonable level of such noise will be permitted. This subsection shall not apply to aircraft or to supporting ground equipment for aircraft.
- 3 ***Loudspeakers, amplifiers or noise devices for advertising.*** The use of any radio or television set, musical instrument, phonograph, loudspeaker, sound amplifier, bell, drum, horn or other machine or device for the production or reproduction of sound directed upon public streets for the purpose of commercial advertising or attracting the attention of the public to any building, structure or tent. Temporary exceptions for civic events, for civic or religious organizations or for the playing of music during the Christmas season only may be authorized by the city manager for such periods of time and under such conditions as may be consistent with the public interest.
- 4 ***Radios, television sets, phonographs, etc.*** The playing of any radio or television receiving set, musical instrument, phonograph or other machine or device for producing or reproducing sound in such a manner as to disturb the peace, quiet and comfort of the neighboring inhabitants.
- 5 ***Yelling, shouting, etc.*** Yelling, shouting, hooting, whistling, or singing on the public streets, or at any other place, so as to annoy or disturb the quiet, comfort or repose of persons in any office, or in any dwelling, hotel or other type of residence, or of any person in the vicinity.
- 6 ***Domestic pets.*** The keeping of any domestic bird or animal which emits frequent or long continued noise so as to disturb the peace, quiet and comfort of the neighboring inhabitants.
- 7 ***Tools.*** The use in a residential zone or in the vicinity of a hotel or motel of hand or power tools or machinery, resulting in loud and disturbing noises, between the hours of 10:00 p.m. and 7:00 a.m.

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- 8 ***Hawkers, peddlers and vendors.*** The shouting and crying of peddlers, hawkers or vendors on any public street or place or on private property so closely adjacent thereto that crowds may be collected and traffic obstructed thereon, except as permitted pursuant to the procedure set forth in section 8.3 of the code, as amended.
- 9 ***Sirens.*** The sounding of sirens on escort services, except where specifically required or permitted by law and not for the purpose of calling attention to a vehicle or caravan, and the sounding of a siren on an ambulance, except when operated in response to an emergency call and when reasonably necessary to warn pedestrians and other drivers of the approach thereof.

9.06.03 Exceptions to Prohibited Noises: None of the preceding provisions shall apply to emergency situations where life, health or property is at stake or to intermittent situations arising out of industrial research and development work carried on in areas zoned for industrial purposes, nor to those normal situations of community life where noise is inherent and has long been accepted by the community, such as activities during school recess and at public parks and athletic contests, and otherwise as permitted pursuant to the procedure set forth in section 8.3 of the code, as amended.

9.07 THREATENING, INTIMIDATING, HARASSING BEHAVIOR FOR SOLICITATION PROHIBITED

9.07.01 Definitions: For the purpose of this section the term, *solicit and solicitation* shall be construed to include attempts 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.

9.07.02 Prohibited Conduct: It shall be unlawful for any person to solicit or conduct solicitation activities in the following manner or under these stated conditions:

- 1 By any act or language constituting an express or implied threat of injury to any person or of damage to or loss of any property owned by or in lawful possession of the solicited person;
- 2 By endeavoring to maintain contact with the solicited person and continuing to verbally demand, ask or beg for, or to solicit, donations or payment from any person after the solicited person has made a negative response to an initial demand or solicitation;
- 3 By any act intended to impede the passage or free movement of the solicited person who is on foot, bicycle, in a wheelchair, operating a motor vehicle or attempting to enter or exit a motor vehicles;
- 4 When either the solicitor or the person being solicited is at a bus stop or sidewalk cafe, in a public transportation vehicle or facility, in a vehicle parked or stopped on a public street or alley, within 20 feet from any ATM machine or entrance to a bank, within 20 feet of a public toilet facility;

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- 5 In an aggressive manner, to include:
 - a. Touching the solicited person without the solicited person's consent;
 - b. Soliciting a person while such person is standing in line and waiting to be admitted to a commercial establishment;
 - c. Blocking the path of a person being solicited, or the entrance to any building or vehicle;
 - d. Following behind, ahead or alongside a person who walks away from the panhandler after being solicited;
 - e. Using profane or abusive language, either during the solicitation or following a refusal to make a donation, or making any statement, gesture, or other communication which would cause a reasonable person to be fearful or feel compelled;
 - f. By a group of more than two solicitors approaching one individual; or
- 6 By failing for a second time to produce a business tax receipt, as required by section 8.08 of this Code, upon request by a Law Enforcement Officer.

9.07.03 Penalties: Any person convicted of violating this section shall be prosecuted in the same manner as a misdemeanor in the second degree, and upon conviction shall be punished by a fine not to exceed \$500 or imprisonment, not to exceed 60 days or by both such fine and imprisonment.

9.08 OBEDIENCE TO CIVIL AUTHORITY REQUIRED

9.08.01 Authority of Police Acting in Line of Duty: No person shall disregard or disobey a police officer while he is acting in the performance of his or her duties within the city.

9.08.02. Crime Scene Regulation: The chief of police or such police officer as he may direct shall regulate all crime scenes and may establish such police lines, by the means of ropes, tapes, signs, barricades or other similar devices or materials, as he deems necessary to protect persons and property and to permit the police to carry out their lawful duties. It shall be unlawful for any person to disturb, disregard, cross, or otherwise interfere with an established police line, without the permission of the chief of police or such officer as he may direct.

9.09 TATTOOING OF MINORS PROHIBITED: No person shall tattoo any other person under the age of 18 years.

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CHAPTER 9
TABLE OF HISTORICAL NOTES AND REFERENCES

2005 Code Section	1992 Code Section	State Law References/ Other Historical Notes
9.00.01	23-1	Code 1985, §§ 648.99, 664.99, 668.99, 682.99
9.00.02	23-2	Code 1985, § 648.03
	4-1	Repeal
9.01.01	4-2	§§ 561.01(5), 563.01, 564.01, F.S.; Code 1985, § 606.01; Ord. 1825 (5-11-10)
9.01.02	4-3, in part	Code 1985, § 606.02; Ord. 983 (3-8-88); Ord. 1028 (5-9-89); Ord. 1183 (4-14-92); Ord. 1825 (5-11-10), Ord. 1892 (3-25-14)
9.01.03	4-3, in part	Code 1985, § 606.02; Ord. 983 (3-8-88); Ord. 1028 (5-9-89); Ord. 1183 (4-14-92); Ord. 1825 (5-11-10), Reserved
9.01.04	4-4	§§ 562.14(1), 562.45(2), F.S.; Code 1985, § 606.03; Ord. 61.4 (8-10-82); Ord. 1386, (7-27-99); Ord. 1796 (10-27-09)
9.01.05	4-5	Code 1985, § 606.04
9.01.051		Code 1985, § 606.04
9.01.052		Code 1985, § 606.04
9.01.06	4-6	§ 562.45(2), F.S.; Code 1985, § 606.05; Ord. 1009 (9-27-88); Ord. 1368 (1-12-99); Ord. 1514 (8-27-02); Ord. 1823 (3-9-10), Ord 1892 (3-25-14)
9.01.07	4-7(a)	Ord. 1368, § 4 (1-12-99)
	4-7(b)	Repeal
9.02	23-21	Code 1985, § 1020.05; Ord. 1823 (3-9-10)
9.03	23-22	Code 1985, § 664.04
9.04.01	23-60(a)	Ord. 1365 (1-12-99)
9.04.02	23-60(b)	Ord. 1365 (1-12-99)
9.04.03	23-60(c)	Ord. 1365 (1-12-99)
	23-60(d)	Repeal
9.05.01	23-61(a, d)	§ 895.02, F.S.; Ord. 1141 (3-12-91)
9.05.02	23-61(b)	§ 895.02, F.S.; Ord. 1141 (3-12-91)
9.05.02(A)		§ 895.02, F.S.; Ord. 1141 (3-12-91)
9.05.03	23-61(d)	§ 895.02, F.S.; Ord. 1141 (3-12-91)
	23-61(e)	Repeal
9.06.01	23-62(a)	Code 1985, §§ 668.01, 668.02
9.06.02	23-62(b)	Code 1985, §§ 668.01, 668.02
9.06.03	23-62(c)	Code 1985, §§ 668.01, 668.02; Ord. 1823 (3-9-10)
9.07.01	23-63(a)	Ord. 1364 (1-12-99); Ord. 1723, § 3, (4-24-07)
9.07.02	23-63(b)	Ord. 1364 (1-12-99); Ord. 1723, § 3, (4-24-07)
	23-63(c)	Repeal
9.07.03		Ord. 1723, § 3, (4-24-07)
9.08.01	23-106	Code 1985, § 648.01
	23-107(a-b)	Ord. 1366 (1-12-99)

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	23-107(c)	Repeal
9.09	23-126	Code 1985, § 876.01