

Requested by: Police Department
Prepared by: City Clerk

ORDINANCE NO. 2016-20

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF VENICE, FLORIDA, CHAPTER 46, PARKS AND RECREATION; ARTICLE I, IN GENERAL; SECTION 46-1, DESCRIPTION OF CITY PARKS SYSTEM; AUTHORIZED USES; AND ARTICLE IV, MARINE ACTIVITIES; DIVISION 5, MARINE PARKS; SECTION 46-186, MISCELLANEOUS RULES; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the marine patrol desires to clarify the parks designation to provide enforcement tools when regulating the marine areas, including seawalls.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VENICE, FLORIDA as follows:

SECTION 1. The above whereas clauses are ratified and confirmed as true and correct.

SECTION 2. Chapter 46, Parks and Recreation, Article IV, Marine Activities, Division 2, Fishing and swimming; Section 46-113, Diving from bridges; swimming near pilings or foundations, is amended to read as follows:

Sec. 46-113. Diving from bridges; swimming near pilings, ~~or~~ foundations, jetty, area adjacent to the jetty or rock revetment.

- (a) *Diving from bridges.* It shall be unlawful for any person to dive from any bridge located within a public right-of-way within the city into the bays, streams or waterways within the city.
- (b) *Swimming near pilings, ~~or~~ foundations, jetty, area adjacent to the jetty or rock revetment.* It shall be unlawful for any person to swim within 100 feet of any pilings, ~~or~~ foundations, jetty, area adjacent to the jetty or rock revetment.
- (c) *Exceptions.* This section shall not prohibit any person from diving from any bridge or entering any of the bays, streams or waterways within the city for purpose of saving life or property or to perform maintenance activities authorized by governmental authorities.

SECTION 3. Chapter 46, Parks and Recreation, Article IV, Marine Activities, Division 5, Marine

The City of Venice Code of Ordinances is amended as follows with ~~strike through text~~ identifying deletions and underlined text indicating additional language.

Parks; Section 46-186, Miscellaneous rules, is amended to read as follows:

Sec. 46-186. Miscellaneous rules

For the purposes of this chapter, n~~No~~ person entering upon and using an area designated as a marine park, including Higel Marine Park and Venice Marina Park and Boat Ramp, situated within the corporate limits of the city, including all facilities located thereon, shall:

- (1) Perform any activity which, at the time, is not compatible with the public's utilization of the park.
- (2) Sell, possess or consume any alcoholic beverages without the authorization of the city manager.
- (3) Build or use open fires except in the area specified by the fire department. Barbecue grills or like devices are exempt from this provision.
- (4) Deface, damage, defile or litter the park.
- (5) Use profane or obscene language or conduct themselves in a disorderly manner.
- (6) Hold, drink from or carry onto the park or otherwise possess glass containers of any kind.
- (7) Dive from or swim in the vicinity of docks and seawalls.
- (8) Operate bicycles, roller skates, roller blades, skateboards and/or similar devices in shelter areas.
- (9) Fish from the docks and seawalls at Venice Marina Park and Boat Ramp and Higel Marine Park. ~~during daylight hours except in designated areas.~~
- (10) Clean fish or to dispose of fish, fish parts or carcasses in or around ~~the~~ marine parks.

SECTION 4. All Ordinances or parts of Ordinances in conflict herewith shall be and the same are hereby repealed.

SECTION 5. If any part, section, subsection, or other portion of this ordinance or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason, such part, section, subsection, or other portion, or the prescribed application thereof, shall be severable, and the remaining provisions of this ordinance, and all applications thereof not having been declared void, unconstitutional, or invalid, shall remain in full force and effect. The city council specifically declares that no invalid or prescribed provision or application was an inducement to the enactment of this ordinance, and that it would have enacted this ordinance regardless of the invalid or prescribed provision or application.

The City of Venice Code of Ordinances is amended as follows with ~~strike~~
~~through text~~ identifying deletions and underlined text indicating additional
language.

SECTION 6. This Ordinance shall take effect immediately upon approval and adoption as provided by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF VENICE, FLORIDA THIS 8TH DAY OF NOVEMBER 2016.

First Reading: November 8, 2016
Final Reading: November 30, 2016
Adoption: November 30, 2016

John W. Holic, Mayor

ATTEST:

Lori Stelzer, MMC, City Clerk

Approved as to form:

David Persson, City Attorney

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