

ORDINANCE NO. 2019-37

AN ORDINANCE OF THE CITY OF VENICE, FLORIDA, AMENDING CHAPTER 46, PARKS AND RECREATION, ARTICLE III, CONDUCT IN PARKS, SECTION 46-64, VENICE FISHING PIER; ADDING SECTION 46-115, FISHING NEAR SWIMMERS; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, new shark fishing regulations promulgated by the Florida Fish and Wildlife Conservation Commission went into effect on July 1, 2019; and,

WHEREAS, the City of Venice finds it unlikely that shark fishing from the Venice Fishing Pier can comply with the new regulations; and,

WHEREAS, the City of Venice finds shark fishing from the Venice Fishing Pier and fishing adjacent to swimmers can pose a threat to the health, safety, and welfare of the public; and,

WHEREAS, Section 379.2412, Florida Statutes, does not prohibit a local government from prohibiting, for reasons of protecting the public health, safety, or welfare, saltwater fishing from real property owned by that local government.

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

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

SECTION 2. Chapter 46, Parks and Recreation, Article III, Conduct in Parks, Section 46-64, Venice Fishing Pier, is hereby amended as follows:

Sec. 46-64. Venice Fishing Pier.

In addition to the rules and regulations set forth in section 46-62, the following rules and regulations shall be in effect for use at the Venice Fishing Pier:

- (1) No person entering upon and using the Venice Fishing Pier shall:
 - a. Use more than two fishing lines at one time.
 - b. Operate bicycles, roller skates, roller blades, skateboards and/or similar devices on the pier or around the concession area.
 - c. Shark fish. The following gear or methods shall constitute shark fishing regardless of the species targeted or harvested:
 - i. Fishing with a metal leader greater than 4 feet in length.
 - ii. Using a fighting belt, fighting harness, or similar device used in conjunction with a fishing rod to give the angler a mechanical advantage when reeling in a fish.

iii. Deploying bait by any means other than casting, unless the bait is attached to a hook for which the maximum distance measured between two points inside the curve created by the hook does not exceed 1.5 inches, when measured at the widest dimension.

(2) No person shall operate or navigate any boat or other watercraft within 300 feet of the Venice Fishing Pier.

(3) No person shall dive or jump from the fishing pier or swim or surf within 150 feet of the centerline of the pier structure.

SECTION 3. Chapter 46, Parks and Recreation, Article IV, Marine Activities, Section 46-115, Fishing near swimmers, is hereby added as follows:

Sec. 46-115. Fishing near swimmers.

It shall be unlawful to fish or attempt to fish after having been warned by any lifeguard or law enforcement officer that the health and safety of swimmers is being endangered. Nothing in this section shall be construed to create a duty of any sort on the part of any county or municipal employee to prevent fishing or to warn of the presence of sharks in the ocean.

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.

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

PASSED BY THE COUNCIL OF THE CITY OF VENICE, FLORIDA, THIS 12TH DAY OF NOVEMBER, 2019.

First Reading: October 22, 2019

Final Reading: November 12, 2019

ADOPTION: November 12, 2019

John W. Holic, Mayor

ATTEST:

Lori Stelzer, MMC, City Clerk

I, LORI STELZER, MMC, City Clerk of the City of Venice, Florida, a municipal corporation in Sarasota County, Florida, do hereby certify that the foregoing is a full and complete, true and correct copy of an Ordinance duly adopted by the Venice City Council, at a meeting thereof duly convened and held on the 12th day of November, 2019, a quorum being present.

WITNESS my hand and the official seal of said City this 12th day of November, 2019.

Lori Stelzer, MMC, City Clerk

Approved as to form:

City Attorney