

ORDINANCE 2021-

AN ORDINANCE RELATING TO THE CITY (FISHING) PIER; AMENDING CHAPTER 42, WATERWAYS, ARTICLE II, RECREATION AREAS, DIVISION 2, CITY PIER, SECTION 42-53, CONDUCT ON FISHING PIER AND PARKING AREA; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE.

WHEREAS, the City of Naples regulates Conduct on the Naples Fishing Pier and Parking Area as specified in Chapter 42, Section 53, Code of Ordinances; and

WHEREAS, in June of 2021, City Council requested the Community Services Advisory Board to review the proposal from the Conservancy of SWFL, as well as the current City Ordinance and Code of Conduct on the Fishing Pier, and provide recommendations to address the fishing practices at the site; and

WHEREAS, the Community Services Advisory Board unanimously endorsed the proposed amendments to Chapter 42, Section 53, Code of Conduct on the Fishing Pier on August 17th and September 21, 2021; and

WHEREAS, City Council desires to amend the prohibited conduct on the city fishing Pier as contained in the Code of Ordinances;

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

Section 1. That the above "Whereas" clauses are adopted into this ordinance as if they were fully set forth herein and the content of such clauses represents the legislative intent of this ordinance.

Section 2. That Section 42-53 of the Code of Ordinances, City of Naples, is hereby amended to read as follows (with underlining indicating additions and ~~strike through~~ indicating deletions):

Chapter 42 – WATERWAYS

...

ARTICLE II. – RECREATION AREAS

...

DIVISION 2. – CITY PIER

...

Sec. 42-53. Conduct on fishing pier and parking area.

(a) *Prohibited conduct; unlawful acts.* On the city fishing pier and the parking area, no person shall:

- (1) Dive or jump from the pier.
- (2) ~~Swim or operate a boat within 150 feet of the pier.~~

- (3) Bring or allow pets on the pier.
 - (4) Place fish in trash containers.
 - (5) Possess alcoholic beverages, except beer and wine may be possessed on the fishing pier between noon and one hour past sunset.
 - (6) Use the railing or benches for cleaning or cutting bait or fish.
 - (7) Fish with more than 1 line or pole at one time.
 - (8) Bed down or sleep on the pier, ~~beach~~, or parking area.
 - (9) Deface, damage, or defile the premises.
 - (10) Litter the premises.
 - (11) Post notices or posters, except on bulletin boards.
 - (12) ~~Use restrooms for changing clothes.~~
 - (13) Operate or be in possession of a bicycle or scooter, or use a skateboard, roller skates, or inline skates on the pier.
 - (14) Fish for shark.
 - (15) Beach a shark within the vicinity of the pier.
 - (16) Use traps, nets, seines, or other trapping or netting devices.
 - (17) Use devices utilizing combustible fuels.
 - (18) Use or possess any fishing reel on the pier in excess of the size of 4/0 or equal, or ~~use~~ any fishing reel with a side plate of more than 4 inches in diameter.
 - (19) Use a float for fishing from the pier in excess of 4 inches in diameter. Under no circumstances shall anyone use plastic bags as a floating device for fishing.
 - (20) Feed birds or otherwise toss fish, fish remains, or other food products that may be consumed by birds.
 - (21) Use, ~~or possess~~, fish hooks greater than 5/0.
 - (22) Use, ~~or possess~~, fish hooks, lures, and bait having two or more hooks sharing a single shank.
 - (23) Keep or store fish outside of a closed container.
 - (24) Dispose of any fish carcass or remains except in the fish tubes provided at the fish cleaning stations, or other authorized containers.
 - (25) Use glass containers. No person shall take upon the fishing pier any glass container or be in possession of any glass container on the fishing pier.
 - (26) ~~Use, or possess, treble hooks, sabiki, or any multi hook fishing rigs.~~
 - (27) ~~Fish, or possess fishing gear, between the hours of 11:00 p.m. and 5:00 a.m.~~
 28. ~~Leave hook and line gear in or on water unattended. You must be physically present at the terminus (within 3 feet) of the fishing rig.~~
- (b) *Assumption of risk by visitors.* Persons using the fishing pier and parking lot do so at their own risk.

(c) *Hours at parking lot.* The pier parking lot at 12th Avenue South and Gulf Shore Boulevard South shall be closed between the hours of 11:00 p.m. and 5:00 a.m., and no persons or vehicles will be allowed in the parking lot between these hours.

Section 3. That if any word, phrase, clause, subsection, or section of this ordinance is for any reason held unconstitutional, invalid, or ineffective, the same will not affect the validity of any remaining portions of this ordinance. In such event, the pre-existing word, phrase, clause, subsection, or section, will be revived.

Section 4. That all sections or parts of sections of the Code of Ordinances, City of Naples, all ordinances or parts of ordinances, and all resolutions or parts of resolutions in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

Section 5. That this ordinance will take effect immediately upon adoption at second reading.

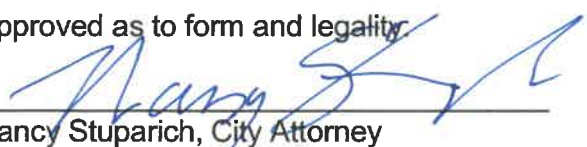
APPROVED AT FIRST READING AND PUBLIC HEARING THE 29TH DAY OF NOVEMBER 2021.

ADOPTED AT SECOND READING AND PUBLIC HEARING THIS 15TH DAY OF DECEMBER 2021

Attest:

Patricia L. Rambosk, City Clerk

Teresa Heitmann, Mayor

Approved as to form and legality


Nancy Stuparich, City Attorney

Date filed with City Clerk: _____