

ORDINANCE NO. 500

AN ORDINANCE OF THE **TOWN OF INDIAN RIVER SHORES**
ENACTING A NEW ORDINANCE RESTRICTING SHARK
FISHING INVOLVING “CHUMMING” AND “BLOODBAITING”
WITHIN THE TOWN; PROVIDING A PENALTY; PROVIDING
FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the **TOWN OF INDIAN RIVER SHORES (TOWN)** has become aware of activity involving the fishing for sharks within the **TOWN** limits; and

WHEREAS, both private and public ocean and beach accesses exists within the **TOWN** largely unpatrolled by lifeguards; and

WHEREAS, activity that lures or is intended to lure sharks near the beach, or which may injure sharks during “catch and release” can reasonably be expected to endanger those in the water; and

WHEREAS, the **TOWN**, under its police power, has a duty to protect residents and others using the beach within the **TOWN**, and, particularly, any activity which may increase the possibility of a shark attack.

NOW, THEREFORE, THE TOWN COUNCIL OF THE **TOWN OF INDIAN RIVER SHORES, FLORIDA**, HEREBY ORDAINS:

Section 1: Unlawful Chumming or Bloodbaiting. It shall be unlawful for any person, while on the beach or within six hundred (600’) feet from shore, to intentionally fish for sharks by using methods commonly known as “chumming” or “bloodbaiting.” For the purpose of this section, “chumming” or “bloodbaiting” shall mean the placement of animal parts, fish parts, fish or animal blood, or baits or items for the purpose of attracting sharks.

Nothing in this Section shall be construed to create a duty of any sort on the part of any municipal employee to prevent fishing, or to warn of the presence of sharks in the ocean.

Section 2. Penalty. A violation of this Section shall be punishable by a fine not exceeding Five Hundred and no/100 Dollars (\$500.00), or imprisonment for a term not exceeding six (6) months, or by both. Each day that a violation exists shall constitute a separate violation. In addition, any violation shall be deemed a public nuisance, and may be abated as provided by law.

Section 3. Enforcement. This Ordinance may be enforced by any Public Safety Officer of the **TOWN**, or any other law enforcement officer having jurisdiction in the **TOWN** and Indian River County, Florida.

Section 4: Severability. If any part of this Ordinance is held to be invalid or unconstitutional

by a Court of competent jurisdiction, the remainder of this Ordinance shall not be affected by such holding, and shall remain in full force and effect.

Section 5: Conflict. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

Section 6: Effective Date. This Ordinance shall become effective immediately upon its passage and adoption by the Town Council of the Town of Indian River Shores, Florida.

1st Reading Passed: June 24, 2010
Posted on Bulletin Board: June 25, 2010
Published in Newspaper: July 11, 2010
2nd Reading Passed: July 22, 2010

I HEREBY CERTIFY that the foregoing Ordinance was finally passed by the Town Council of the Town of Indian River Shores, Florida, on the 22nd day of July, 2010.

/s

E. William Kenyon, Mayor

Attest:

/s

Laura Aldrich, Town Clerk