



Town Commission Agenda Item Report

Meeting Date: April 8, 2025

Submitted By: Linda Connors, Town Manager

Submitting Department: Administration

Item Type: Ordinance

Agenda Section: ORDINANCES 1st Reading

Subject Title: ORDINANCE 2025-04 AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 5, "BEACHES AND WATERWAYS," ARTICLE I, "IN GENERAL," SECTION 5-7, "FISHING REGULATED; EXHIBITING FISH ON BEACH AND SPEARFISHING PROHIBITED," OF THE TOWN'S CODE OF ORDINANCES; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Explanation: We have experienced a huge increase in the number of people fishing and surf casting on the beach. The current Code allows fishing and surf casting at any time other than the hours of 9 AM through 4 PM on weekdays and 9 AM through 6 PM on Saturday, Sunday, and holidays.

Persons are also prohibited from engaging in fishing and surf casting within the proximity of swimmers.

The problem that we have is that long stretches of the beach have been taken over by those who are fishing and surf casting, and beach goers cannot enjoy the beach. Most often, those who are fishing and surfcasting are present before the beach-goers arrive, so that they are not limited by the Code provision regarding proximity to swimmers.

Staff is suggesting amending the Code to allow surfcasting and fishing between the hours of 7 PM and 7 AM. This reduced time will still allow fishing and surfcasting from our beach, while allowing swimming, walking and the passive enjoyment of the beach for others.

Recommendation: Adopt Ordinance 2025-04 on first reading, and set second reading for April 22, 2025.

Exhibits:

1. Ordinance 2025-04 Amending Chapter 5 Fishing And Surf Casting On Beach

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**AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-
THE-SEA, FLORIDA, AMENDING CHAPTER 5,
“BEACHES AND WATERWAYS,” ARTICLE I, “IN
GENERAL,” SECTION 5-7, “FISHING REGULATED;
EXHIBITING FISH ON BEACH AND SPEARFISHING
PROHIBITED,” OF THE TOWN’S CODE OF
ORDINANCES; PROVIDING FOR CODIFICATION,
SEVERABILITY, CONFLICTS, AND AN EFFECTIVE
DATE.**

WHEREAS, the Town Commission of the Town of Lauderdale-By-The-Sea, Florida (the “Town”) finds it periodically necessary to amend its Code of Ordinances (the “Town Code”) in order to update regulations and procedures to implement municipal goals and objectives; and

WHEREAS, the Town seeks to ensure that all beach activities, including fishing and surfing, are conducted in a manner that minimizes conflicts, while providing a clearer and more consistent schedule to promote safety and enjoyment for all users of the public beach; and

WHEREAS, the Town Commission desires to amend Chapter 5, “Beaches and Waterways,” Article I, “In General,” Section 5-7, “Fishing Regulated; Exhibiting Fish on Beach and Spearfishing Prohibited,” of the Town’s Code to revise the hours for fishing and surf casting on the Town’s public beach; and

WHEREAS, the Town Commission finds that this Ordinance is in the best interests of the Town and its residents.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AS FOLLOWS:

Section 1. Recitals. The foregoing “Whereas” clauses are ratified and incorporated as the legislative intent of this Ordinance

Section 2. Amendment. Chapter 5, “Beaches and Waterways,” Article I, “In General,” Section 5-7, “Fishing Regulated; Exhibiting Fish on Beach and Spearfishing Prohibited,” of the Town Code of Ordinances, is hereby amended to read as follows¹:

CHAPTER 5 - BEACHES AND WATERWAYS

ARTICLE I. - IN GENERAL

Sec. 5-1. - Definitions.

The following words and phrases, when used in this chapter, shall have the following meanings respectively ascribed to them except where the context clearly indicates a different meaning:

Beach means the zone of unconsolidated material that extends landward from the mean low waterline to the place where there is marked change in material or physiographic form or to the line of permanent vegetation, usually the effective limit of storm waves. Beach is alternatively termed shore.

* * *

Sec. 5-7. - Fishing regulated; exhibiting fish on beach and spearfishing prohibited.

(a) It shall be unlawful for any person to spearfish on the public beach within the corporate limits of the Town.

(b) It shall be unlawful for any person to fish or surf cast from any part of the public beach within the corporate limits of the Town unless in compliance with the following:

(1) Fishing and surf casting shall be allowed on the public beach at any time other than the hours of 7:00 a.m. through 7:00 p.m. every day ~~9:00 a.m. through 4:00 p.m. Monday through Friday, and 9:00 a.m. through 6:00 p.m. on Saturday, Sunday and national holidays.~~

(2) Persons are prohibited from engaging in fishing and surf casting within the proximity of swimmers, scuba divers, snorkelers and bathers.

(3) Chumming is prohibited.

(4) The Town Manager or designee may temporarily place further restrictions on fishing or surf casting on any part of the public beach to accommodate an event taking place on the beach or in a declared emergency.

(c) It shall be unlawful for any person to use the beaches of the Town for the purpose of landing or exhibiting sharks, barracuda or sting rays.

* * *

¹ Additions to existing text are shown in underline. Deletions are shown in ~~strikethrough~~. Additions to existing text since 1st reading are shown in double underline. Deletions since 1st reading are shown in ~~double strikethrough~~.

Section 3. Codification. This Ordinance shall be codified in accordance with the foregoing.

It is the intention of the Town Commission that the provisions of this Ordinance shall become and be made a part of the Town of Lauderdale-By-The-Sea Code of Ordinances; and that the sections of this Ordinance may be renumbered or re-lettered and the word “ordinance” may be changed to “section”, “article” or such other appropriate word or phrase in order to accomplish such intentions.

Section 4. Severability. If any section, sentence, clause, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

Section 5. Conflicting Ordinances. All prior ordinances or resolutions or parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

Section 6. Effective Date. This Ordinance shall become effective upon adoption on second reading.

Passed on the first reading, this ____ day of _____, 2025.

Passed and adopted on the second reading, this ____ day of _____, 2025.

MAYOR EDMUND MALKOON

First Reading

Second Reading

Mayor Malkoon

Vice-Mayor Strauss

Commissioner Pouloupoulos

Commissioner Denapoli

Commissioner Graziano

ATTEST:

Town Clerk Katrina Adler
(CORPORATE SEAL)

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94 APPROVED AS TO FORM:

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97 Susan L. Trevarthen, Town Attorney