

City Council Meeting Date: August 16, 2016

To: Mayor and City Council
City Administrator

From: Monte Nelson, Chief of Police

..Title

Consideration of a new Ordinance Restricting Fishing on the Riverwalk Area.

..Body

Action Requested:

The Northfield City Council is asked to approve Second Reading of a new Ordinance Restricting Fishing on the Riverwalk Area as amended to include the proposed changes recommended by the DNR.

Summary Report:

Fishing along the Cannon River in downtown Northfield is a longstanding tradition, yet, over the years, there have been a few problems caused by fishing activity. Staff proposes a new ordinance to restrict fishing in one section of the Riverwalk to help alleviate on-going issues in that area, for public safety reasons.

At the August 2 City Council meeting, the Council discussed and approved the First Reading of a proposed ordinance to prohibit fishing on a small section of the west Riverwalk area. Council directed staff to seek input/approval from the Minnesota DNR regarding the ordinance.

Chief Nelson and City Attorney Hood contacted Patricia Watts, Enforcement Policy/Legal Analyst for Minnesota DNR regarding the proposed Northfield Ordinance. She conferred with the DNR General Counsel and several ranking officers in the DNR administration. On August 10, 2016, Watts and Major Kanieski spoke to Chief Nelson, and Watts followed up that conversation with an email detailing the DNR position. See the attached email for details.

The Minnesota DNR approved the proposed Northfield Ordinance language with some minor changes. In particular, the DNR suggested the language in 50-28 (1) be changed from "...**in** any area designated as no fishing..." To "...**from** any area designated as no fishing..." It was the DNR position that this change helps clarify the City is regulating activity on the Riverwalk area, not in the Cannon River itself. The DNR supports the restriction of fishing in a small/defined area along the Cannon River for public safety reasons, but they were also very clear they would not support widespread prohibition of fishing along the river in Northfield.

The DNR also suggested a small change to language in the proposed ordinance 50-28 (3) related to bow fishing and possession of bows. They suggested the addition of the sentence, "The Possession of bows and arrows for the purposes of bow fishing is subject to City Ordinance." With this addition, this section would agree/change with any future changes to our Firearms Discharge Ordinance as it relates to discharge of archery equipment.

Staff has revised the proposed ordinance to include the suggested changes from the DNR officials.

Staff recommends approval of the attached ordinance that would prohibit fishing “from” the west Riverwalk for 220 feet north from the 4th St. Bridge. We have included a drawing illustrating the area from which fishing is restricted. A simple description of the area would be the width of the west Riverwalk from Froggy Bottoms north to the area where the walkway from 219 S. Water St. enters the Riverwalk, approximately 100 feet of the west Riverwalk. Staff believes this area will be easy to identify and post for “No Fishing.” Keeping fishing activity this distance from the restaurants should alleviate the conflicts and improve safety.

Alternative Options:

Council could choose several other options.

- a. Council could decide not to approve the ordinance at all. Police Officers would continue to attempt mediation to resolve the problem. This has not worked thus far.
- b. Council could choose to broaden or narrow prohibited fishing areas along the Riverwalk. The area currently proposed for a fishing prohibition is the only area we have experienced this type of direct conflict. The DNR officials made it clear they would oppose any widespread fishing prohibition along the Cannon River.

Financial Impacts:

N/A

Tentative Timelines:

If the second reading is approved on August 16, publication would take place on August 24. The ordinance would be effective on September 23, 2016.