

ORDINANCE NO. 20131017-011

AN ORDINANCE AMENDING CITY CODE SECTION 8-1-72 RELATING TO BOATING CONCESSIONS; AND AMENDING CITY CODE CHAPTER 8-5 TO PROHIBIT SWIMMING AND THE USE OF INFLATABLE DEVICES ALONG A PORTION OF THE COLORADO RIVER.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. Subsections (B), (C), (D), (E), and (F) of City Code Section 8-1-72 (*Boating Concessions*) are amended as follows:

- (B) On Town Lake, between Tom Miller Dam and Lamar Boulevard, a person must [~~may~~] obtain a concession:
 - (1) to rent to the public a boat designed for recreational rowing, including a canoe, kayak, racing shell, or rowboat;
 - (2) to operate an excursion boat; or
 - (3) to maintain a landing for an excursion boat that is not a permanent mooring.
- (C) On Town Lake, between Lamar Boulevard and Congress Avenue, a person must [~~may~~] obtain a concession:
 - (1) to rent to the public a boat that requires little or no skill to operate, including a paddleboat;
 - (2) to operate an excursion boat; or
 - (3) to maintain a permanent mooring for an excursion boat.
- (D) On Town Lake, between Congress Avenue and Longhorn Dam, a person must [~~may~~] obtain a concession:
 - (1) to rent to the public a boat designed for recreational rowing, including a canoe, kayak, racing shell, or rowboat;
 - (2) to operate an excursion boat; or
 - (3) to maintain a permanent mooring for an excursion boat.
- (E) In the river basin immediately upstream from Longhorn Dam, a person must [~~may~~] obtain a concession to rent [~~to the public~~] a sailboat to the public.

- (F) On the Colorado River, between Longhorn Dam and U.S. Highway 183, a person must ~~[may]~~ obtain a concession to rent ~~[to the public]~~ a boat designed for recreational rowing that can withstand swiftly flowing water and fluctuating water levels, including a kayak, canoe, rowboat, or fishing boat, [or johnboat] to the public. A person may not obtain a concession to rent inflatable flotation devices.

PART 2. City Code Section 8-5-1 (*Definitions*) is amended to add the following new definitions, and to renumber the remaining definitions accordingly:

- (3) **INFLATABLE FLOTATION DEVICE** means an inner tube or other water recreational form or apparatus that is inflated with air or foam and is non-navigable. This term includes inflatable chaise loungers, air mattresses, and other inflatable devices.
- (6) **NAVIGABLE RECREATIONAL APPARATUS** means an apparatus that is capable of being guided or steered against swiftly flowing and fluctuating water levels.

PART 3. City Code Chapter 8-5 (*Waterways Access and Use*) Article 3 (*Recreational Activities*) is amended to add new Sections 8-5-50 and 8-5-51 to read:

§ 8-5-50 SWIMMING IN THE COLORADO RIVER.

A person may not swim in the Colorado River between Longhorn Dam and U.S. Highway 183, unless the person is:

- (A) performing an official duty as an officer or employee of the city;
- (B) attempting to rescue or recover another person;
- (C) performing dredging or construction work authorized by Council; or
- (D) participating in a public event or exhibition authorized by Council.

§ 8-5-51 INFLATABLE FLOTATION DEVICES.

A person may not operate, use, or otherwise ride in an inflatable flotation device on the Colorado River, between Longhorn Dam and U.S. Highway 183. This prohibition does not apply to a person:

- (A) performing an official duty as an officer or employee of the city;
- (B) attempting to rescue or recover another person;
- (C) performing dredging or construction work authorized by Council; or

