

CHAPTER 6-5. WATER QUALITY.

ARTICLE 1. GENERAL PROVISION.

§ 6-5-1 DEFINITIONS.

In this chapter:

- (1) ADMINISTRATOR means the person responsible for administering or enforcing the applicable portion of this chapter. Unless otherwise specifically provided in this chapter, the administrator is the director or the health authority, as appropriate.
- (2) APPROVED METHOD means a procedure for analysis of water or wastewater that is prescribed by:
 - (a) the 20th edition of Standard Methods For The Examination Of Water and Wastewater, published jointly by the American Public Health Association, the American Water Works Association, and the Water Pollution Control Federation;
 - (b) guidelines published by the U.S. Environmental Protection Agency in Title 40 of the Code of Federal Regulations, Part 136; or
 - (c) a nationally recognized laboratory analysis manual approved by the director.
- (3) BOAT PUMP-OUT FACILITY means any private or public shoreside, mobile, or floating installation either independent of or in addition to an organized waste collection, treatment, and disposal system used to receive boat sewage.
- ~~(3)~~(4) DIRECTOR means the director of the Watershed Protection ~~and Development Review~~ Department.
- ~~(4)~~(5) DISCHARGE, when used as a verb, includes to dispose of.
- ~~(5)~~(6) DRAINAGE WATER includes storm water; roof run-off water; subsurface water; down-spout water; yard drain water; water from a fountain, pond, or swimming pool; water from a lawn spray, rainwater leader, or areaway; overflow from a cistern or water tank; and water discharged from a condensation system, including air conditioning, cooling, and refrigeration systems, other than water discharged from a condensing unit that the director determines does not produce a significant amount of condensate.
- ~~(6)~~(7) EFFLUENT means a discharge from or the contents of a sanitary sewer, waste treatment or disposal plant, septic tank, or other facility or receptacle designed or used for the receipt, treatment, or disposal of human excreta or other waste.
- (8) EXCURSION BOAT means a watercraft that is operated for compensation to provide cruises on the surface waters of the City water supply and to provide

specific services including any of the following: sightseeing, food, beverages or fishing.

~~(7)~~(9) **GARBAGE** means solid waste from domestic or commercial preparation, cooking, dispensing, or manufacturing of food, or from the handling, storage, or sale of produce.

~~(8)~~(10) **HOUSEBOAT** means a flat-bottomed or nearly flat-bottomed watercraft that is fitted for sleeping, cooking, cruising, or recreation. The term includes a barge or raft with an enclosed structure.

~~(9)~~(11) **INDUSTRIAL WASTE** means liquid waste or a waterborne liquid, gaseous, or solid substance discharged by an industrial, manufacturing, trade, or commercial establishment, including a nonprofit organization or government agency. The term excludes sewage discharged from a plumbing fixture not required by the Plumbing Code to have a sand or grease trap, unless the sewage is commingled with industrial waste.

~~(10)~~(12) **LITTER** means a discarded object or substance, and includes garbage, cut moss, weeds, or marine vegetation.

~~(11)~~(13) **MARINA** means a fixed or floating structure used for living quarters, docking boats, fishing, or other recreational or commercial use located over or on the water's surface.

~~(12)~~(14) **MARINE TOILET** means a toilet on or in a watercraft, which is designed to receive, retain, or dispose of sewage when connected to a marine sanitation device.

(15) **MARINE SANITATION DEVICE** means any sanitation device for use on any watercraft, which is designed to receive, retain, treat or dispose of sewage. Marine sanitation device Types I, II, and III shall be defined as provided in Title 33 of the Code of Federal Regulations Part 159.

~~(13)~~(16) **MOTORBOAT** means a watercraft propelled by an internal combustion engine or electric motor and includes a seaplane.

~~(14)~~(17) **OTHER WASTE** includes ashes, cinders, sand, concrete, mud, straw, shavings, grass clippings, tree trimmings, metal, glass, rags, feathers, tar, asphalt, plastics, rubber, rubber products, wood, whole nonhuman blood, paunch manure, hair or fleshing, entrails, lime slurry, lime residue, carbide waste, slop, chemical residue, paint residue, asbestos, and bulk solids.

~~(15)~~(18) **OWNER or OCCUPANT** means a person using property from which wastewater is discharged into a storm sewer or watercourse or who is responsible for paying the water bill for the property.

~~(16)~~(19) **POLLUTION** means an alteration of a physical, thermal, chemical, biological, or radiological quality of water, or the contamination of water, to the extent that:

- (a) the water is harmful to a human, animal, plant, or property;
- (b) the water threatens public health, safety, or welfare; or
- (c) the pollution impairs the usefulness or public enjoyment of the water.

~~(17)~~(20) SETTLEABLE SOLIDS has the meaning assigned to it by the 20th edition of Standard Methods for the Examination of Water and Wastewater.

~~(18)~~(21) SEWAGE means waterborne human or animal waste collected and discharged from a residence, building, watercraft, factory, or institution, and includes ground water or surface water commingled with waste.

~~(19)~~(22) WASTE or WASTEWATER means sewage, industrial waste, other waste, or drainage water.

~~(20)~~(23) WATERCOURSE means a natural or artificial channel for the conveyance of water.

~~(21)~~(24) WATERCRAFT means a boat or other structure designed to float on water, and includes a barge, marina, or other similar floating object.

~~(22)~~(25) WATER SUPPLY means the Colorado River and its tributaries within the planning jurisdiction.

Source: 1992 Code Sections 4-1-1, 4-1-15, and 4-1-75; Ord. 031023-10; Ord. 031211-11.

§ 6-5-2 EXPERIMENTAL SUBSTANCES, MATERIAL, OR EQUIPMENT.

- (A) A person may request that the administrator approve the use of an experimental substance, material, or equipment to comply with this chapter by filing an application with the administrator.
- (B) The administrator may approve an application if the administrator determines that the experimental substance, material, or equipment complies with the intent of this chapter and does not endanger public health.
- (C) If the administrator approves an application, the administrator shall issue a permit that includes the terms of the approval.

Source: 1992 Code Section 4-1-4; Ord. 031023-10; Ord. 031211-11.

§ 6-5-3 REVOCATION OR SUSPENSION OF PERMIT.

- (A) The administrator may revoke or suspend a permit issued under this chapter if the administrator:
 - (1) provides the permittee at least 10 days notice by registered or certified mail of a hearing on the revocation or suspension;
 - (2) conducts a hearing on the revocation or suspension; and

- (3) determines that a qualification for the permit has not been met or is being violated.
- (B) If the administrator suspends or revokes a permit, the permittee shall immediately cease the activity or use authorized by the permit.
- (C) A permittee may appeal a suspension or revocation under this section to a court of competent jurisdiction not later than the 45th day after date of the suspension or revocation.
- (D) An appeal under this section is subject to the substantial evidence rule.

Source: 1992 Code Section 4-1-5; Ord. 031023-10; Ord. 031211-11.

ARTICLE 2. POLLUTION OF WATER SUPPLY PROHIBITED.

§ 6-5-11 APPLICABILITY.

This article applies in the planning jurisdiction.

Source: 1992 Code Section 4-1-1; Ord. 031023-10; Ord. 031211-11.

§ 6-5-12 POLLUTION PROHIBITED.

A person may not directly or indirectly discharge, allow to be discharged, or place into the water supply, land that drains into the water supply, or into a water treatment or distribution system:

- (1) garbage;
- (2) litter;
- (3) sewage;
- (4) effluent;
- (5) industrial waste;
- (6) other waste; or
- (7) other substance that causes pollution.

Source: 1992 Code Sections 4-1-2(A) and (B) and 4-1-3; Ord. 031023-10; Ord. 031211-11.

§ 6-5-13 NUISANCE.

A person who violates Section 6-5-12 (Pollution Prohibited) creates a public nuisance.

Source: 1992 Code Sections 4-1-2(C); Ord. 031023-10; Ord. 031211-11.

§ 6-5-14 PENALTY.

A person who violates a provision of this article commits a Class C misdemeanor and is subject to the penalty prescribed by Section 1-1-99 (Offenses; General Penalty).

Source: 1992 Code Sections 4-1-2(C), 4-1-3, and 4-1-999; Ord. 031023-10; Ord. 031211-11.

ARTICLE 3. WATERCRAFT AND MARINAS.

Division 1. General Provisions.

§ 6-5-21 APPLICABILITY.

This article applies in the planning jurisdiction to a marina, park, picnic area, boat pump-out facility, or a watercraft that is operated or intended for operation on the surface waters of the City water supply.

Source: Ord. 031023-10; Ord. 031211-11.

§ 6-5-22 COMPLIANCE REQUIRED.

An owner or operator of a watercraft, marina, park, picnic area, or boat pump-out facility shall comply with this article.

Source: 1992 Code Section 4-1-16; Ord. 031023-10; Ord. 031211-11.

§ 6-5-23 AUTHORITY.

For the purpose of administering this article, references to “administrator” shall mean the director of the Austin Water Utility.

§ 6-5-24 DISCHARGE PROHIBITED.

No person may discharge sewage, treated or untreated, from a watercraft, marina, park, picnic area, or boat pump-out facility into the City water supply.

Division 2. Marine ~~Toilets and Holding Tanks~~ Sanitation Devices, Boat Pump-out Facilities, Marinas, Parks and Picnic Areas.

§ 6-5-31 MARINE TOILET-SANITATION DEVICE REQUIREMENTS.

(A) Except as provided in Subsection (B):

- (1) a person may not operate a watercraft if the watercraft has a marine ~~toilet~~ sanitation device capable of discharging sewage into the City water supply; and
- (2) any marine sanitation device installed on a watercraft shall meet the requirements specified in Title 33 of the Code of Federal Regulations (CFR) Part 159~~a person who operates a watercraft shall provide on the watercraft a marine toilet that complies with the sanitary requirements prescribed by the Texas Board of Health.~~

~~(B) A person may seal a marine toilet to prevent its use or remove the toilet if:~~

~~(3)(B) If the watercraft on which the toilet-marine sanitation device is located is not normally berthed, docked, or stored within the city's planning jurisdiction, a marine sanitation device Type I or Type II may be permitted on the watercraft if the operator secures the marine sanitation device using an acceptable method described in 33 CFR Part 159 to prevent the discharge of treated or untreated sewage to the City water supply; and~~

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~~(C) Except as provided in Subsection (D), a portable marine sanitation device that is designed to facilitate the carry-off of sewage for onshore disposal is acceptable as an additional marine sanitation device on any the watercraft.~~

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~~(4)(D) All watercrafts shall be equipped with at least one permanently installed marine toilet which shall be properly connected to a marine sanitation device Type III if the watercraft:~~

~~(a) is not an excursion boat or is a houseboat, regardless of length; and~~

~~(b) does not contain an overnight sleeping facility.~~

~~(E) The contents of a marine sanitation device, whether permanently installed or portable, may be disposed of only by the following methods:~~

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~~(1) discharge into a boat pump-out facility approved and permitted under this article;~~

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~~(2) discharge into an adequately-sized on-site sewage facility permitted to receive boat sewage under Chapter 15-5, Article 1 of this code, as applicable, and in accordance with Texas Health and Safety Code, Chapter 366 and Title 30 of the Texas Administrative Code, Chapter 285 (relating to On-Site Sewage Facilities); or~~

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~~(3) pick up and discharge by a transporter permitted in accordance with Chapter 15-5, Article 2 of this code, as applicable, and registered under Title 30 of the Texas Administrative Code, Chapter 312, Subchapter G (relating to Transporters and Temporary Storage Provisions), for disposal at a facility permitted or authorized by the Texas Commission on Environmental Quality to receive boat sewage.~~

~~(b)(F) If an excursion boat is equipped with a marine sanitation device Type I or Type II, the excursion boat shall not be operated or stored on the surface waters of the City water supply.~~

Source: 1992 Code Section 4-1-25; Ord. 031023-10; Ord. 031211-11.

~~§ 6-5-32 HOLDING TANK REQUIREMENTS.~~

~~(A) A person who owns or operates a watercraft with a toilet and holding tank shall comply with the requirements of this section.~~

~~(B) A toilet must be securely connected to a holding tank.~~

~~(C) A holding tank must be:~~

- (a) ~~designed to prevent the removal of sewage other than by pumping to an on-shore disposal facility;~~
- (b) ~~constructed of material that resists the corrosive effects of sewage and disinfecting chemicals;~~
- (c) ~~placed in a location that minimizes the possibility of rupture; and~~
- (d) ~~vented to the outside of the watercraft.~~

Source: 1992 Code Section 4-1-26; Ord. 031023-10; Ord. 031211-11.

§ 6-5-33 - BOAT PUMP-OUT FACILITY REQUIREMENTSDISPOSAL OF HOLDING TANK CONTENTS.

(A) Boat pump-out facilities shall be designed ~~[(A) A person shall discharge sewage from a watercraft's holding tank only to an on-shore disposal facility. (B)] A person who operates an on-shore disposal facility shall:~~

- (1) to provide a spill-proof connection to the marine sanitation device being serviced~~construct, operate, and maintain the facility in a manner that prevents sewage from entering the city water supply and [(2) may does] not create a public health nuisance.;~~
- (2) with suction controls or vacuum breaker to limit suction to such levels as will avoid collapse of any part of the marine sanitation device;
- (3) to provide fresh water facilities for tank flushing;
- (4) with a check valve and positive cut-off or other device to preclude spillage when breaking connection with a marine sanitation device being serviced;
- (5) to provide adequate interim storage, if required, prior to transfer to an approved sewage system for disposal; and
- (6) to ensure that any connection to a public or private potable water system complies with Chapter 15-1 (Cross-Connection Regulations) of the Code.

(B) Mobile or floating boat pump-out facilities shall be provided with adequate and spill-proof facilities for transfer to shore-based sewage systems or intermediate transfer facilities.

(C) Sewage from a boat pump-out facility may be disposed of only by the following methods:

- (1) after obtaining permission from the owner or operator of the sewage system, discharge into a sewage system operated under authority of a valid permit issued by the Texas Commission on Environmental Quality;
- (2) discharge into an adequately-sized on-site sewage facility permitted to receive boat sewage under Chapter 15-5, Article 1 of this code, as applicable, and in

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accordance with Texas Health and Safety Code, Chapter 366 and Title 30 of the Texas Administrative Code, Chapter 285 (relating to On-Site Sewage Facilities); or

- (3) pick up and discharge by a transporter permitted in accordance with Chapter 15-5, Article 2 of this code, as applicable, and registered under Title 30 of the Texas Administrative Code, Chapter 312, Subchapter G (relating to Transporters and Temporary Storage Provisions), for disposal at a facility permitted or authorized by the Texas Commission on Environmental Quality to receive boat sewage.

(D) The following waste disposal documentation requirements apply:

- (1) A person who owns or operates a boat pump-out facility and disposes of any sewage using a transporter subject to Chapter 15-5, Article 2 of this code shall retain and make available for inspection and copying by the Administrator all waste transport and disposal records for at least three years from the date the record is created.
- (2) The Administrator may require the owner or operator of a boat pump-out facility to submit periodic reports and records regarding the volumes, dates and frequency of waste removal and disposal from the boat pump-out facility.
- (3) An owner or operator of a boat pump-out facility who fails to provide required records or reports to the Administrator or a designated agent commits an offense.

Source: 1992 Code Section 4-1-27; Ord. 031023-10; Ord. 031211-11; Ord. 20150507-003.

Source: 1992 Code Section 4-1-28; Ord. 031023-10; Ord. 031211-11; Ord. 20150507-003.

§ 6-5-34 EXCURSION BOAT TOILETS.

A person who operates an excursion boat that carries more than 20 passengers shall provide separate marine toilet for men and women.Source:

1992 Code Section 4-1-28; Ord. 031023-10; Ord. 031211-11; Ord. 20150507-003.

§ 6-5-34 EXCURSION BOAT REQUIREMENTS.

- (A) Except as provided in Subsection (B), a person who operates an excursion boat that carries more than 20 passengers shall provide at least one marine sanitation device for passenger use on the watercraft.
- (B) If the excursion boat is used exclusively for cruises lasting an hour or less, and the cruises do not include service of food or alcoholic beverages, the requirement to provide a marine sanitation device under this section does not apply.
- (C) A person who owns or operates an excursion boat with a marine sanitation device and disposes of any sewage using a transporter subject to Chapter 15-5, Article 2 of this code shall retain and make available for inspection and copying by the Administrator all waste transport and disposal records for at least three years from the date the record is created.

Comment [MPC1]: Added language to clarify requirement for any generator using a waste hauler to maintain manifest records consistent with Chapter 15-5 requirements. Also added authority for Administrator to specify other reporting requirements if necessary and stipulates that it is an offense not to comply.

Comment [MPC2]: This highlighted portion of this section of the Code was revised on May 7, 2015, with understanding that it would be revised.

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Comment [MPC3]: This section of the Code was deleted on May 7, 2015, with understanding that it would be replaced.

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Comment [MPC4]: Modifies requirement for excursion boat operators to have two separate bathrooms for men and women. This change reflects recent change to the code regarding unisex bathrooms. This also creates an exception to the requirement for excursion boats used exclusively for cruises lasting shorter than an hour that do not serve food or alcohol.

- (D) The Administrator may require the owner or operator of an excursion boat with a marine sanitation device to submit periodic reports and records regarding the volumes, dates and frequency of waste removal and disposal from the marine sanitation device.
- (E) An owner or operator of an excursion boat with a marine sanitation device who fails to provide required records or reports to the Administrator or a designated agent commits an offense.

Source: 1992 Code Section 4-1-28; Ord. 031023-10; Ord. 031211-11; Ord. 20150507-003.

§ 6-5-35 MARINAS, PARKS, AND PICNIC AREAS.

- (A) A person who owns or operates a commercial marina, park, or picnic area shall provide separate toilets for men and women.
- (B) A person who owns or operates a marina shall discharge waste from fish cleaning, cooking, or a toilet only into a sanitary sewer or an approved septic tank system.

Source: 1992 Code Section 4-1-29; Ord. 031023-10; Ord. 031211-11; Ord. 20150507-003.

§ 6-5-35 MARINAS, PARKS, AND PICNIC AREAS.

- (A) A person who owns or operates a commercial marina, park, or picnic area must provide permanent or temporary sanitation facilities in accordance with Chapter 25-2, Subchapter C, Article 13 of this code, as applicable.
- (B) Except as provided in Subsection (C), a person who owns or operates a marina shall discharge waste from fish cleaning, cooking, or a toilet only into a sanitary sewer or an approved on-site sewage facility.
- (C) Chemical toilet waste from any temporary sanitation facilities provided shall be removed by a transporter permitted in accordance with Chapter 15-5, Article 2 of this code, as applicable, and registered under Title 30 of the Texas Administrative Code, Chapter 312, Subchapter G (relating to Transporters and Temporary Storage Provisions), for disposal at a facility permitted or authorized by the Texas Commission on Environmental Quality to receive chemical toilet waste.

Source: 1992 Code Section 4-1-29; Ord. 031023-10; Ord. 031211-11; Ord. 20150507-003.

§ 6-5-34-36 INSPECTIONS, CERTIFICATIONS AND PERMITS.

- (A) The ~~health authority~~ administrator or a designated agent or inspector may at any reasonable time inspect a watercraft or marina, park, picnic area or boat pump-out facility to determine whether the watercraft or marina, park picnic area, or boat pump-out facility complies with this division.
- (B) A person who fails to provide or unreasonably delays access by the administrator or a designated agent or inspector to a watercraft, marina, park, picnic area, or boat pump-out facility commits an offense.

Comment [MPC5]: Added language to clarify requirement for any generator using a waste hauler to maintain manifest records consistent with Chapter 15-5 requirements. Also added authority for Administrator to specify other reporting requirements if necessary and stipulates that it is an offense not to comply.

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Comment [MPC6]: This section of the Code was deleted on May 7, 2015, with understanding that it would be replaced.

Comment [MPC7]: This change reflects that a different section of the City Code addressed the requirements for permanent and temporary sanitation facilities and also includes setback provisions for their placement. The prohibition on discharging waste from cooking or fish cleaning to anywhere but a sanitary sewer or an approved on-site sewage facility remains.

(C) The owner or operator of a watercraft with a marine sanitation device or the owner or operator of a boat pump-out facility must be certified as required under Title 30 of the Texas Administrative Code, Chapter 321, Subchapter A (relating to Boat Sewage Disposal).

(B)(D) Except as provided in Subsection (E), the owner or operator of an excursion boat with a marine sanitation device or the owner or operator of a boat pump-out facility shall annually, prior to operating the excursion boat or boat pump-out facility in the planning jurisdiction, apply for and obtain from the administrator a permit indicating compliance. Applications for compliance permits shall be made on a standard form provided by the Administrator.

Comment [MPC8]: Modified requirement to obtain a permit to excursion boats with marine sanitation devices.

(5) inspect a resident pleasure boat, transient pleasure boat, excursion boat, houseboat, picnic area, or marina; and

(6) if the boat, picnic area, or marina complies with this division, issue a permit indicating compliance.

(E) The requirement to obtain a permit under this section does not apply, if:

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(1) A boat pump-out facility is part of a marina facility that is located on or adjacent to Lake Travis, and the owner or operator holds a valid permit from the Lower Colorado River Authority to operate the marina facility; or

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(2) An excursion boat is operated exclusively on Lake Travis at a marina facility that holds a valid permit from the Lower Colorado River Authority to operate the marina facility, and the owner or operator of the excursion boat is certified as required under Title 30 of the Texas Administrative Code, Chapter 321, Subchapter A (relating to Boat Sewage Disposal).

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(C)(F) A person to whom a compliance permit is issued shall prominently display each the permit on the watercraft, excursion boat with a marine sanitation device, or at the picnic area or marina boat pump-out facility, as appropriate.

Comment [MPC9]: Created an exception to the requirement for a permit applicable to boat pump-out facilities and excursion boats on Lake Travis operated in conjunction with marinas that hold a valid LCRA permit.

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(G) The city council shall establish a permit inspection fee and annual renewal inspection fee by separate ordinance. The owner or operator of any excursion boat with a marine sanitation device or the owner or operator of a boat pump-out facility, picnic area, or marina shall pay each the periodic permit inspection fee.

Comment [MPC10]: Modified requirement to obtain a permit to excursion boats with marine sanitation devices.

(D)(H) A person holding a permit shall apply for a renewal no later than the 30th day before the expiration of an existing permit.

Comment [MPC11]: Modified requirement to obtain a permit to excursion boats with marine sanitation devices.





Comment [MPC12]: Added requirement to reapply for permit

Source: 1992 Code Section 4-1-30; Ord. 031023-10; Ord. 031211-11.

§ 6-5-35-37 PENALTY.

A person who violates a provision of this article commits a Class C misdemeanor and is subject to the penalty prescribed by Section 1-1-99 (Offenses; General Penalty).

Source: 1992 Code Section 4-1-999; Ord. 031023-10; Ord. 031211-11.

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Recommendation for Council Action			
Sponsor Name:		Division:	
Austin City Council		Meeting Date:	Page 1 of
Subject			
Approve an ordinance that would revise portions of Chapter 6-5 of the Austin City Code applicable to the regulation of watercraft and marinas.			
Amount and Source of Funding			
Fiscal Note			
Purchasing Language:			
Prior Council Action:	Resolution 20130829-078 was approved by the City Council on August 29, 2013 and directed the City Manager to develop a process to ensure administration and enforcement of the existing water quality protections in City Code Chapter 6-5, which concern marine toilets, holding tanks and marinas.		
For More Information:			
Boards & Commission Action:	Environmental Commission, Water and Wastewater Commission.		
MBE / WBE:			
Related Items:			
Additional Backup Information			

Revisions to portions of Chapter 6-5 of the Austin City Code are needed with regard to watercraft and marinas to establish required inspection and enforcement authority for the Director of the Austin Water Utility to administer the regulations; update the regulations to better match similar state and federal regulations; and clarify the rules to address identified missing definitions and other imprecise language to reconcile the requirements to longstanding interpretations followed when the program was administered by the Health & Human Services Department. The rules, currently in place, were originally adopted in 1968, but have not been updated to reflect state and federal regulations that have since been adopted that also regulate marine toilets and boat pump-out facilities.

These revisions also attempt to address a number of other problems identified in the existing ordinance, some of which were addressed by council action on May 7, 2015 (Ordinance No. 20150507-003). That ordinance modified or deleted three particularly problematic sections of the ordinance with the expectation that the entire ordinance would be reviewed and vetted through a stakeholder process in order to address all identified concerns equitably. Two different stakeholder meetings have been held with public participation and feedback requested, collected and incorporated into this draft.

Although a number of changes are proposed, they generally fit into the following categories:

- **Revisions to Administrative Authority** - Gives AWU Director required authority to enforce requirements.
- **Updates to Match State and Federal Regulations** - Changes to terminology and minor changes to requirements to match Title 30 of the Texas Administrative Code, Chapter 321, Subchapter A (Boat Sewage Disposal) and Title 33 of the Code of Federal Regulations Part 159 (Marine Sanitation Devices).
- **Requirements for Providing Toilets on Excursion Boats** - Change to rules requiring separate toilets for men and woman for all excursion boats carrying more than 20 passengers. Proposed changes would better match existing practices and would eliminate conflict with new code requirements for gender neutral restrooms. Also includes a definition for Excursion Boat, which existing rules lack.
- **Requirements for Providing Toilets at Marinas, Parks and Picnic Areas** - Change to rules requiring toilets at all commercial marinas parks and picnic areas. Proposed changes would match these requirements for sanitation facilities to those in the Land Development Code and eliminate conflict with new code requirements for gender neutral restrooms.
- **Applicability of Permit Requirements** - Changes requirement to have a City of Austin Permit that currently apply to all watercraft, marinas and picnic areas in the planning jurisdiction. Proposed change would limit the permit requirement to owners or operators of Excursion Boats with MSDs and owners or operators of boat pump-out facilities. Also creates exception to City of Austin permit requirement applicable to marinas with boat pump-out facilities permitted under LCRA Highland Lakes Ordinance and excursion boats operated at such marinas.
- **Miscellaneous** - Proposed addition of record-keeping requirements and authority to require reports addressing waste removal for boat pump-out facilities and excursion boats with an MSD. Also proposed strengthening of Right of Entry provision by creating offense

for denying or unreasonably delaying it. Also, the addition of a requirement for all watercraft with an MSD and all boat pump-out facilities to be certified as required under state law is proposed to allow local enforcement of requirement to be certified as the state requires, whether the requirement to obtain a City of Austin Permit applies or not.

See attached redlined document showing proposed code changes with an accompanying spreadsheet describing the rationale and reference related to each of the changes made.