

ORDINANCE NO. 20180215-018

AN ORDINANCE AMENDING SECTION 8-5-21 OF THE CITY CODE TO ADD A NEW SUBSECTION GIVING AUTHORITY TO THE DIRECTOR OF THE PARKS AND RECREATION DEPARTMENT TO BAN THE USE OF BULL CREEK AND BARTON CREEK DURING FLOODS; AND CHANGING POSTING REQUIREMENTS.

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

PART 1. City Code Section 8-5-21 of the City Code, (*Ban by Fire Chief*) is amended to read:

§ 8-5-21 – Waterway Bans [~~Ban by Fire Chief~~].

- (A) Except as provided by Subsection (B), t[F]he fire chief may ban recreational or commercial boating on, or recreational use of all, or a part of, a lake, river, creek, or other affected area after determining that flooding is occurring or likely to occur.
- (B) The director may ban recreational or commercial boating on, or recreational use of all, or a part of, Bull Creek or Barton Creek after determining that flooding is occurring or likely to occur.
- (C) In making a determination to order a ban, the fire chief and the director shall consider information available from the City's flood early warning system and recognized standards for issuing an advisory flood notice.
- (D) If the fire chief or the director orders a ban, the official ordering the ban [~~fire chief~~] shall:
 - (1) post the ban at city hall;
 - (2) post the ban on the city website [~~publish the ban in a newspaper of city-wide circulation~~]; and
 - (3) provide copies of the ban to local radio and television stations.
- (E) A ban is effective when posted on the city website [~~at city hall~~].
- (F) A ban must include an expiration date that is not later than the fifth day after the posting date.

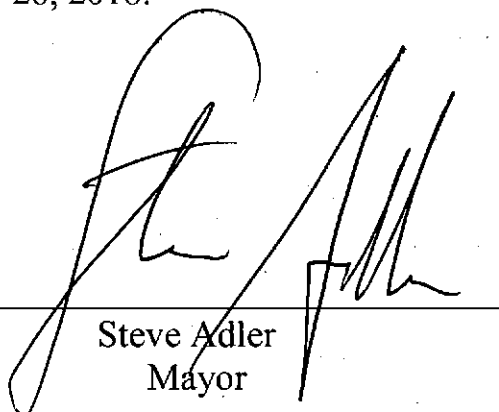
(G) The fire chief or the director may issue another ban if flood conditions persist.

PART 2. This ordinance takes effect on February 26, 2018.

PASSED AND APPROVED

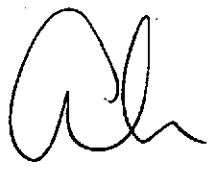
_____, February 15, 2018

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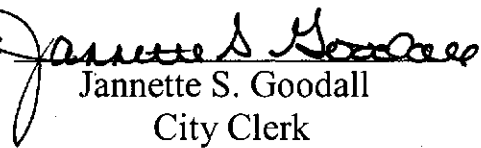
Steve Adler
Mayor

APPROVED:



Anne L. Morgan
City Attorney

ATTEST:



Jannette S. Goodall
City Clerk



MEMORANDUM

TO: Mayor and Council

FROM: Juan Ortiz, Director Homeland Security and Emergency Management *JO*
Chief Rhoda Mae Kerr, Austin Fire Department *RMK*

Kimberly A. McNeeley, CPRP, Acting Director
Austin Parks and Recreation Department *KM*

DATE: February 14, 2018

SUBJECT: Ordinance Amendment

On Thursday, February 15, 2018, City Council is being asked to approve an amendment to City Code Chapter 8-5, Article 2, Section 8-5-21 to give the Director of Parks and Recreation authority to ban commercial or recreational use of Bull Creek or Barton Creek during flood or anticipation of flood conditions, and changing posting requirements for waterway bans. The purpose of this memo is to provide context associated with the consideration.

Currently, Chapter 8-5 Article 2, Section 8-5-22 - RESTRICTED AREAS specifies that a person may not enter or be on the lake, river, creek or other area that is the subject of a ban issued in accordance with this article. The Parks and Recreation Department Director, as a matter of standard health and safety practice, issues closure of Barton Creek and Bull Creek green belts/trails when flooding presents an imminent danger or has occurred. However, current City Code Chapter 8-5, Article 2, Section 8-5-21 code gives the Austin Fire Chief authority to ban waterway usage. This split authority creates unnecessary public notification confusion and inefficiencies in issuance of closures as a matter of public safety.

The change in the ordinance gives the Parks and Recreation Director authority to simultaneously close access to specified waterways via specific greenbelts/trails and associated waterways. The change in closure authority is simply a designation of responsibility; it in no way alters the established criteria for closure. In the event of an imminent flood event, the Parks and Recreation Director will work closely with the Fire Chief and Homeland Security and Emergency Management representatives to make a closure decision in the best interest of public safety.

The ordinance amendment also updates the notification of waterway bans to remove the non-immediate notification processes (like publishing in the newspaper). Immediate notification channels include website notification, radio and television notifications and posting at City Hall; all of which are unchanged from the original ordinance.

The Austin Fire Department, Homeland Security and Emergency Management, and the Parks and Recreation Department worked with the City Law Department to create the suggested the amendment.

Kimberly McNeeley is available to answer any questions and can be reached at 512-974-6722.

cc: Spencer Cronk, City Manager
Sara Hensley, Interim Assistant City Manager
Rey Arellano, Assistant City Manager