

ORDINANCE NO. 64 0611-C

AN ORDINANCE AMENDING CHAPTER 34 OF THE AUSTIN CITY CODE OF 1954 BY ADDING THERETO SEC. 34. 9 MAKING IT UNLAWFUL TO WILFULLY SWIM, BATHE, WADE OR GO INTO THE WATERS OF THE COLORADO RIVER FROM TOM MILLER DAM DOWNSTREAM TO THE EAST SIDE OF OLD MONTOPOLIS BRIDGE WITH CERTAIN EXCEPTIONS; PROVIDING FOR A SEPARABILITY CLAUSE; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY.

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

PART 1. Chapter 34 of the Austin City Code of 1954 is hereby amended by adding thereto Section 34. 9 which shall hereafter read as follows:

Sec. 34. 9. Swimming, bathing, etc. in the Colorado River from Tom Miller Dam downstream to Montopolis Bridge.

It shall be unlawful for any person to wilfully swim, bathe, wade or go into the waters of the Colorado River from Tom Miller Dam downstream to the East side of Old Montopolis Bridge; provided, however, that this section shall not apply to the following:

- (a) Persons engaged in the performance of their official duties as officers or employees of the City of Austin.
- (b) Persons engaged in bona fide efforts to rescue or recover human beings from said waters.
- (c) Persons engaged in the prosecution of dredging or other water improvement or construction work duly authorized by the City Council of the City of Austin.
- (d) Persons engaged in public events or exhibitions duly authorized by the City Council of the City of Austin.
- (e) In areas designated by official signs showing that swimming, wading, bathing, or going into the water in the specific designated area is not prohibited by the City Council.

PART 2. If any section, paragraph, subsection, clause, phrase or provision of the Ordinance shall be adjudged or declared invalid or held to be unconstitutional, the same shall not affect the validity of this Ordinance as a whole or any part or provision thereof other than the part so decided to be invalid or unconstitutional.

PART 3. This Ordinance shall repeal every prior ordinance in conflict herewith but only insofar as the portion of such prior ordinance shall be in conflict, and

as to all other sections of ordinances not in direct conflict herewith, this ordinance shall be and is hereby made cumulative, except as to such ordinances as are expressly repealed hereby.

PART 4. The fact that the ordinances of the City of Austin do not now prohibit swimming, bathing, or going into the waters of the Colorado River below Tom Miller Dam creates an emergency which, in order to protect the health, safety and welfare of the public in the City of Austin, necessitates that the rules requiring ordinances to be read at three separate meetings be suspended, and such rules shall be and are hereby suspended and this ordinance shall take effect immediately upon passage.

PASSED AND APPROVED

June 11

, 1964

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I
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P. F. Palmer

Mayor

APPROVED:

Steven K. Shaw

City Attorney

ATTEST

Elise Hoosley

City Clerk

28MAY64

AFFIDAVIT OF PUBLICATION

THE STATE OF TEXAS

COUNTY OF TRAVIS

Before me, the undersigned authority, a Notary Public in and for the County of Travis, State of Texas, on this day personally appeared, Eleanor Walker, Classified Advertising Agent of the American-Statesman, a daily newspaper published in said County and State, who, being duly sworn by me, states that the attached advertisement was published in said newspaper on the following dates, to wit: June 18, 1964 and that the attached is a true copy of said advertisement:

ORDINANCE NO. 640611-C

AN ORDINANCE AMENDING CHAPTER 34 OF THE AUSTIN CITY CODE OF 1954 BY ADDING THERETO SEC. 34.9 MAKING IT UNLAWFUL TO WILFULLY SWIM, BATHE, WADE OR GO INTO THE WATER OF THE COLORADO RIVER FROM TOM MILLER DAM DOWNSTREAM TO THE EAST SIDE OF OLD MONTOPOLIS BRIDGE WITH CERTAIN EXCEPTIONS; PROVIDING FOR A SEPARABILITY CLAUSE; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY.

(Sgd) Eleanor Walker

SWORN AND SUBSCRIBED TO BEFORE ME, this the 23rd Day of June A. D. 1964.

(Sgd) Lula Mae Waggoner
Notary Public in and for
TRAVIS COUNTY, TEXAS

(Seal)

I, Elsie Woosley, City Clerk of the City of Austin, hereby certify that the above and foregoing ordinance was published as required by the City Charter, in the American-Statesman, a daily newspaper published in said City on June 18, 1964.

Elsie Woosley

City Clerk, City of Austin, Texas