



City of Grand Island

Tuesday, April 12, 2005

Council Session

Item F3

#8971 - Consideration of Amending Chapter 24-8 of the Grand Island City Code Relative to Swimming at L.E. Ray Lake

Staff Contact: Steve Paustian

Council Agenda Memo

From: Steve Paustian, Parks and Recreation Director
Meeting: April 12, 2005
Subject: Swimming at L. E. Ray Park
Item #'s: F-3
Presenter(s): Steve Paustian, Parks and Recreation Director

Background

The Park and Recreation Department has been responsible for the operation of L. E. Ray Park for over thirty years. During this time recreational swimming has been a component of the use of the park. Over time, the use of L.E. Ray Lake for swimming has diminished, as has the area available for swimming due to the ongoing drought.

Discussion

Over the past twelve years a swim at your own risk, in a designated area policy has been in place. Unfortunately, during this time many people have chosen to ignore the rules and have swum all over the lake. Several people have lost their lives to drowning in L. E. Ray Lake during this period.

At the same time members of the dive rescue team have used the lake for scuba diving training. The scuba training is necessary to provide a service vital to the community and surrounding areas.

Alternatives

It appears that the Council has the following alternatives concerning the issue at hand. The Council may:

1. Move to approve Ordinance No. 8971.
2. Refer the issue to a Committee.
3. Postpone the issue to future date.
4. Take no action on the issue.

Recommendation

It is the recommendation of staff to eliminate all swimming in L.E. Ray Lake. The recommendation also includes a provision to allow scuba diving in the lake per Nebraska Game and Parks Commission Regulations.

Sample Motion

Motion to approve the modification to the City Code eliminating swimming in L.E. Ray Lake with the exception of Scuba Diving per Nebraska Game and Parks Commission regulations.

001.17 SCUBA Diving

001.17A SCUBA Diving is defined as swimming with the aid of self-contained underwater breathing apparatus (airtanks) and shall not apply to snorkeling.

001.17B SCUBA Diving is prohibited within 200 feet of the limits of designated swimming, boat mooring and boat docking areas.

001.17C The International Divers Flag must be displayed whenever engaged in SCUBA diving. The SCUBA diver must stay within 150 feet of his flag.

001.17D SCUBA diving is permitted in all waters owned or controlled by the Commission except in waters and at times where such activity is prohibited in the interest of public safety or health, which excepted waters shall be designated by regulation and/or posted signs.

ORDINANCE NO. 8971

An ordinance to amend Chapter 24 of the Grand Island City Code; to amend Section 24-8 pertaining to swimming at L.E. Ray Lake; to repeal Section 24-8 as now existing, and any ordinance or parts of ordinances in conflict herewith; and to provide for publication and the effective date of this ordinance.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA:

SECTION 1. Section 24-8 of the Grand Island City Code is hereby amended to read as follows:

§24-8. Swimming In City Lakes

(1) It shall be unlawful for any person to swim at any hour in Pier Park Lake, L.E. Ray Lake, Eagle Scout Park Lake, or any other body of water owned and maintained by the City, except that swimming shall be allowed in the municipal pools ~~and in the area of L.E. Ray Lake that is specifically designated for swimming.~~

(2) Scuba diving shall be allowed at L.E. Ray Lake in accordance with Nebraska Game and Parks Commission regulations.

~~(3)~~(2) The Parks and Recreation Director shall cause all lakes and bodies of water wherein swimming is prohibited to be posted. Such posting shall not be mandatory for enforcement of this section if such person has actual or constructive notice of this prohibition.

SECTION 2. Section 24-8 as now existing, and any ordinances or parts of ordinances in conflict herewith be, and hereby are, repealed.

SECTION 3. That this ordinance shall be in force and take effect from and after its passage and publication, within fifteen days in one issue of the Grand Island Independent as provided by law.

ORDINANCE NO. 8971 (Cont.)

Enacted: April 12, 2005.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk