

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend, on a temporary basis, subsection 1158.5 of Title 21 of the District of Columbia Municipal Regulations to authorize swimming in the Potomac River as part of special events to be held in the District of Columbia.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Special Events Swimming Exception Temporary Amendment Act of 2008”.

Sec. 2. Subsection 1158.5 of Title 21 of the District of Columbia Municipal Regulations (21 DCMR § 1158.5), is amended to read as follows:

“(a) Primary contact recreation shall be prohibited in the Potomac River until such time as the standards in subsection 1104.8 for Class A beneficial use are consistently maintained, except that swimming shall be allowed by those persons who are participants in special events authorized by the Mayor of the District of Columbia, in those areas of the Potomac River designated for the swim portion of any such event, and in no other areas. In the event that laboratory examinations of samples collected prior to the scheduled date of any special event suggest to the Director of the District Department of the Environment that, pursuant to the water quality standards set forth in subsection 1104.8, swimming should be prohibited in the Potomac River on that date, the exception contained in this subsection shall not apply. The Mayor shall establish such procedures governing the special events swimming exception as considered appropriate.

(b) The District of Columbia, including, but not limited to, its employees and agents, shall not have any liability whatsoever to any person, as a consequence of the activities conducted, or the participation in activities conducted, pursuant to the exception in paragraph (a) of this subsection.

(c) A person granted an exception pursuant to paragraph (a) of this subsection, and their heirs, successors, and assigns, shall be deemed to have waived liability to the District of Columbia, including, but not limited to, its employees and agents, as a consequence of the conduct of, or participation in, activities pursuant to the exception in paragraph (a) of this

subsection.”.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.

Chairman
Council of the District of Columbia

Mayor
District of Columbia