



## Legislation Details (With Text)

**File #:** 0521-2019      **Version:** 1

**Type:** Ordinance      **Status:** Passed

**File created:** 2/8/2019      **In control:** Rules & Reference Committee

**On agenda:** 3/11/2019      **Final action:** 3/13/2019

**Title:** To amend Section 921.01-9 of the Columbus City Code to grant the Director of Recreation and Parks the authority to authorize third party vendors to conduct commercial activity in City-controlled waterways via written permission rather than bid and contract, including the rental of canoes, kayaks, paddleboards, and similar vessels; and to declare an emergency.

**Sponsors:** Elizabeth Brown

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
3/13/2019	1	CITY CLERK	Attest	
3/12/2019	1	MAYOR	Signed	
3/11/2019	1	COUNCIL PRESIDENT	Signed	
3/11/2019	1	Columbus City Council	Approved	Pass

This ordinance is to amend Section 921.01-9 of the Columbus City Code and will authorize the Director of Recreation and Parks to authorize third party vendors to conduct commercial activity in City of Columbus controlled waterways via written permission rather than bid and contract. This will include the rental of canoes, kayaks, paddleboards, and similar vessels.

**Background:** Currently, in order for the City of Columbus to authorize a vendor to rent hand-powered vessels on City of Columbus controlled waterways, 921.01-9 authorizes the Director of Recreation and Parks to advertise, receive bids, and enter into contract with the selected vendor/s. The Recreation and Parks Department entered in to such a contract in 2017 and 2018 for the Downtown Pool of the Scioto River. Entering into an exclusive contract had drawbacks that we would like to avoid moving forward. Additional qualified vendors questioned why they were not selected, new vendors appeared that were interested in a similar contract, and one vendor was only serving one body of water. We would like to make the attached changes to code to prevent these issues from recurring moving forward, expanding the number of vendors available to residents interested in renting paddlecraft, and ensure that all qualified vendors have the same opportunity to serve the community utilizing public land and water. The Recreation and Parks Department is not prepared with staff, funding, or expertise to conduct paddlecraft concessions on a scale that demand dictates, and therefore would like to increase the presence of qualified, third party vendors in an efficient and inclusive manner. Allowing permission to be issued in a manner similar to a park use permit will expedite the process. Any and all qualified vendors may be granted permission as long as they meet the qualifications. Strict rules, guidelines, and qualifications will be developed to ensure the community receives a high level of service.

**Emergency Justification:** Emergency Action is requested to ensure that adequate time is available to finalize policies with vendor and City Attorney's Office input and allow concessions to take place as early as March 2019 when boating season begins.

**Benefits to the Public:** Concession of paddlecraft is a regular request by citizens. The City, not being equipped to

manage the concession operation currently has no alternatives to offer. Once a permitting process is in place, we will be able to direct the public to a list of approved vendors while making no recommendations or endorsements of the company.

**Community Input/Issues:** Potential vendors have been very vocal about their desire to conduct operations on the reservoirs. We will work with these vendors, many who are advocates and industry experts to finalize qualifications and policy. There is also a community wide desire to activate the waterways of Columbus.

**Area(s) Affected:** - Hoover, Griggs, and O'Shaughnessy Reservoirs, Olentangy River, Scioto River. These activities will draw citizens from all over Columbus and likely all of central Ohio.

**Fiscal Impact:** - No cost to the City. There will be a fee for vendors that are qualified and we expect revenue in the \$5,000 range.

To amend Section 921.01-9 of the Columbus City Code to grant the Director of Recreation and Parks the authority to authorize third party vendors to conduct commercial activity in City-controlled waterways via written permission rather than bid and contract, including the rental of canoes, kayaks, paddleboards, and similar vessels; and to declare an emergency.

**WHEREAS,** it is necessary to amend City Code to grant the Director of Recreation and Parks the authority to authorize third party vendors to conduct commercial activity in City of Columbus controlled waterways via written permission rather than bid and contract, including the rental of canoes, kayaks, paddleboards, and similar vessels; and

**WHEREAS,** an emergency exists in the usual daily operation of the Recreation and Parks Department that it is necessary to ensure that adequate time is available to finalize policies with vendor and City Attorney's Office input and allow concessions to take place as early as March 2019 when boating season begins; **NOW, THEREFORE,**

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:**

**SECTION 1.** That section, 921.01-9 of the Columbus City Code is hereby amended to read as follows:

**921.01-9 - Boat concessions.**

(A)

~~The director of recreation and parks is authorized to advertise and receive bids and let to the highest responsive, responsible bidder(s), boat concession(s) on waterways of the city, where it is deemed to be in the public's best interest. Only successful bidders for these concessions will be permitted to operate boats for any commercial purposes or for hire to others, and such concession agreement shall be subject to the applicable rules and regulations provided for in this chapter and such further rules and regulations as may be promulgated and established by the director of recreation and parks for the operation and maintenance of such boats including the maximum permissible number of passengers thereon.~~

~~The director of recreation and parks must approve the charge for rides on, or rental of, any such boats and the schedule for charges may provide different rates for adults, children and chartered trips. Such concession agreements shall also provide for saving the city free and harmless from all claims and demands by reason of the operation and maintenance of such boats. The director of recreation and parks shall require in the contract that the successful bidder furnish bond by an approved surety in an amount satisfactory to him as necessary to secure the protection of all persons in or out of the concessionaire's boats who claim to have suffered damages by reason of the operation of such boats.~~

~~(B)~~ (A)

No person shall operate or cause to be operated in any waterways of the city, any vessel or contrivance that does not bear a Hull Identification Number (HIN) recognized by the United States Coast Guard, for any commercial purpose or for hire to others, until written permission has been obtained from the director of recreation and parks. ~~by enactment of an~~

~~enabling ordinance by city council.~~

~~(C)~~

~~Vessels operating under a concession agreement shall be exempt from the length limitations found elsewhere in this chapter.~~

~~(D)~~ (B)

A law enforcement officer shall impound any vessel, contrivance that does not bear a Hull Identification Number (HIN) recognized by the United States Coast Guard, or dock being used in violation of this section. Violations of this ~~regulation~~ section shall be cause for revocation of any ~~concession agreement~~ permission issued pursuant to this chapter. ~~All money received from any of the concession agreements shall be placed in the operation and extension fund of the department of recreation and parks.~~

**SECTION 2.** That the prior existing section 921.01-9 of the Columbus City Code is hereby repealed.

**SECTION 3.** That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor, or 10 days after passage if the Mayor neither approves nor vetoes the same.