



Legislation Details (With Text)

File #: 1616-2020 **Version:** 1

Type: Ordinance **Status:** Passed

File created: 7/1/2020 **In control:** Rules & Reference Committee

On agenda: 9/21/2020 **Final action:** 9/24/2020

Title: To amend Section 921.01-8 of the City Code to allow properties contiguous to City of Columbus Reservoirs that are owned by commercial, or other non-residential entities, to be eligible for a private boat dock, stake or mooring; and to declare an emergency.

Sponsors: Elizabeth Brown

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
9/24/2020	1	CITY CLERK	Attest	
9/23/2020	1	MAYOR	Signed	
9/21/2020	1	COUNCIL PRESIDENT	Signed	
9/21/2020	1	Columbus City Council	Approved	Pass

Background: This code change will modify private property requirements for a City of Columbus Reservoir neighbor to be eligible for a private boat dock, stake, or mooring. It will remove the qualifier that only residential neighbors are eligible and will open commercial or organizational properties to eligibility. Private docks will still not be authorized to be used for any commercial purpose.

The Columbus Recreation and Parks Department has been working in conjunction with the Department of Public Utilities to study and implement changes to the management of City Property surrounding the three City of Columbus Reservoirs. The focus of the study has been to protect water quality and wildlife habitat while allowing recreational access with minimal impact. Both departments are in agreement that the characteristics of the City Property should dictate if access to a dock, stake, or mooring are permitted, not the use of the private lake contiguous to City Property. This proposed change would allow commercial, or other non-residential, property owners that are contiguous to the reservoir, to have the City Property evaluated for dock, stake, or mooring eligibility through the same process of a residential neighbor. All other dock, stake, and mooring standards will remain in effect and be applied to all contiguous property consistently. No private docks, stakes, or moorings may be used for a commercial purpose, and this code will remain in effect for all properties.

Emergency Justification: Emergency action is requested due to the extensive timeline of the reservoir study project. The project has lasted almost two years at this point which has doubled the expected time frame. While both City Departments are in agreement on the intention moving forward, the current code prohibits authorization. Emergency action will ensure permission can be given as soon as possible and eliminate any additional waiting for reservoir neighbors.

Benefits to the Public: This will create uniformity in policy and ensure that all reservoir neighbors are treated equally.

Community Input/Issues: There was a public inquiry period and drafts of proposed reservoir management plans are posted on the public utilities website. This proposed change is a very small portion of the project.

Area(s) Affected: Griggs, Hoover, and O'Shaughnessy Reservoirs

Master Plan Relation: Promoting blueways and permitting passive use of natural areas

Fiscal Impact: No cost to City of Columbus. Possibility of revenue under \$2,000 annually if properties obtain a dock and permit.

To amend Section 921.01-8 of the City Code to allow properties contiguous to City of Columbus Reservoirs that are owned by commercial, or other non-residential entities, to be eligible for a private boat dock, stake or mooring; and to declare an emergency.

WHEREAS, it is necessary to amend City Code Section 921.01-8 to modify private property requirements to allow City of Columbus Reservoir commercial, or other non-residential entity neighbors, to be eligible for a private boat dock, stake, or mooring; and

WHEREAS, this proposed change would allow commercial, or other non-residential, property owners that are contiguous to the reservoir, to have the City Property evaluated for dock, stake, or mooring eligibility through the same process of a residential neighbor; and

WHEREAS, all other dock, stake, and mooring standards will remain in effect and be applied to all contiguous property consistently. No private docks, stakes, or moorings may be used for a commercial purpose, and this code will remain in effect for all properties; and

WHEREAS, an emergency exists in the usual daily operation of the Recreation and Parks Department that it is immediately necessary to amend City Code due to the extensive timeline of the reservoir study project; **NOW, THEREFORE**,

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

SECTION 1. That Section 921.01-8 of the City Code be amended to read as follows:

921.01-8 - Permitting of private docks, stakes and moorings.

(A) Permitting for a private boat dock, boat stake or mooring shall be issued on a permit prepared for that purpose and on file in the office of the director of recreation and parks. The permit shall not be transferred, assigned, loaned or subleased;

(1) As used in this section, private docks refer to, and shall include, docks, platforms or any other such structure which have been privately constructed and maintained by the applicant and which extend over or on the waterways of the city and shall include all such facilities whether extending from private lands, or lands controlled by the city.

(2) Each contiguous property owner, applicant, may be issued not more than one (1) permit per legal address which shall include one (1) vessel. Additional vessels registered to the same property owner may be considered and the recreation and parks commission shall establish such fees. The department shall determine the placement of such dock, stake or mooring and reserves the right of denial to any applicant wherein such conditions as natural or navigational hazards/barriers exist or there is a determination made that the issuance of such permit shall negatively impact upon a sensitive shoreline habitat.

(B) The applicant shall agree to abide by all the laws, rules and regulations relative to the applicant's and/or the applicant's ~~family's~~ guests' conduct, his/her or their use and operation of any vessel, use of all waterways of the city, adjacent lands, boat docks, boat stakes and moorings. Furthermore, the applicant shall agree to assume the defense of and to indemnify and save harmless the city from any and all claims, suits, loss or damage or injury to person(s) or

property of any kind or nature whatsoever arising in the use or operation of any vessel, boat dock or boat stake.

(C) The recreation and parks commission shall establish ~~rental~~ permit fees and late charges for private docks, stakes and moorings. All dock; stake and mooring permits must be renewed between the dates of January 1 and March 15 of each year. All dock; stake and mooring permits provided for in this section shall begin April 1 and expire on November 30 of the calendar year;

- (1) If the waterways of the city have reached the maximum safe boating carrying capacity a grace period may be given until May 1, of that year which shall include a late fee. After May 1, the director may permit the first eligible applicant, whose name appears on the official waterways waiting list, an opportunity to apply for dock, stake or mooring privileges;
- (2) If the waterways of the city have not reached the maximum safe boating carrying capacity by the recreation and parks commission, a late fee schedule shall apply.

(D) Any violation of the terms or conditions of any license, or rental permits shall be reported by a city official to the director of recreation and parks and may result in the temporary or permanent suspension or cancellation of such license, or rental permit by the director of recreation and parks.

(E) ~~Any permit granted to individuals hereunder shall be for the sole benefit of the permittee and the permittee's immediate family, residing in the same household.~~ A permit will only be issued for private docks, stakes and moorings to the person, ~~or~~ persons, or organization whose name appears on the property deed of a contiguous private ~~residence~~ property. An applicant for a private dock, stake or mooring permit must prove ownership of a vessel by presenting the current state of Ohio registration certificate or copy thereof for the vessel(s) to be moored in the dock, stake or mooring before the permit will be issued. No vessel(s) other than those designated on the permit shall be tied to the designated dock, stake or mooring.

- (1) The director may issue a special permit to any private dock, stake or mooring applicant not owning a vessel.
- (2) The director may approve temporary docking privileges for contiguous private permit holders, not to exceed thirty (30) days in a boating season.
- (3) The director may consider applicants using leased vessels for docks, stakes or moorings with proper proof of the lease agreement, current registration and ownership of the leased vessel.

(F) Permits for ~~the rental~~ of a private dock, stake or mooring shall be signed by the same person whose name appears on the registration certificate or by power of attorney. Certificates of title for vessels moored in private docks, stakes or moorings shall bear the same name as named on the private dock, stake or mooring permit and shall be shown upon request unless exempted by 921.01-8 (E)(2). No vessel other than those designated on the permit shall be tied to the designated dock, stake or mooring. No area of waterfront for private docks, stakes or moorings shall be used for any commercial purposes or for rental or loan to others. Any violation of this section shall be cause for revocation of the permit.

(G) All vessels must be removed from private docks and stakes between the dates of November 30 of each year to April 1 of the following year.

(H) Any vessel found unattended in any waterways of the city between the dates of November 30 of each year to April 1 of the following year will be considered abandoned by the owner and will be impounded subject to the provisions as set forth in this chapter regarding the abandonment of vessels.

(I) Any vessel in any waterways of the city in violation of this section will be impounded subject to the provisions as set forth in this chapter regarding the abandonment of vessels.

(J) No boathouses or other structures shall be constructed on permitted ground. Private docks may be left in the water during the winter season, November 30 of each year until the following April 1, provided they were permitted the previous season.

(K) No private boat dock, stake or mooring permits shall be allowed on the west side of Griggs Reservoir south of the Fishinger Road Bridge. This does not apply to existing legally maintained boat club leases with the recreation and parks department.

(L) Application for new private docks, stakes and moorings along the shores of the waterways will be given consideration only for those areas that are contiguous to undeveloped city property provided:

(1) All applicants for private dock permits must own real property adjacent to undeveloped city controlled property. The applicant's property, at a minimum, must be contiguous and parallel to undeveloped city controlled property for one hundred (100) feet. All new applicants as of January 1, 2005 must own real property contiguous and parallel to undeveloped city property within two hundred and fifty (250) feet of the ordinary high water mark. Current property owners whose real property line are greater than two hundred and fifty (250) feet away from the ordinary high water mark and have a current valid private dock permit will be permitted to renew annually until such time as the property owner fails to renew the annual permit.

(2) All applicants for private stake permits must own real property adjacent to undeveloped city controlled property. The applicant's property, at a minimum, must be contiguous and parallel to undeveloped city controlled property for ten (10) feet. All new applicants as of January 1, 2005 must own real property contiguous and parallel to undeveloped city property within two hundred and fifty (250) feet of the ordinary high water mark. Current property owners whose real property line are greater than two hundred and fifty (250) feet away from the ordinary high water mark and have a current valid private stake permit will be permitted to renew annually until such time as the property owner fails to renew the annual permit.

(3) The waterways of the city does not exceed established safe boating carrying capacity based on formulas developed by the Ohio Department of Natural Resources, and established and adopted by the recreation and parks commission. If said waterway is at maximum Safe Boating Carrying Capacity, the applicant will be placed on such official waterways waiting list and may receive the first available opening.

(M) Application for renewal of private boat docks and stakes that are already installed and in use on the waterways of the city as of the effective date of this section shall not be required to meet the requirements of subsection (L)(1) and (L)(2). If permittee fails to renew the permit by the annual renewal date then said application will be considered as new and must meet the provisions of subsection (L).

(N) The permitted area may include a five (5) foot wide path extending from the applicant's property to the water's edge, as laid out and approved by the director of recreation and parks in accordance with rules adopted by the director of recreation and parks.

(O) Permittees may erect a floating dock subject to the permission of and in accordance with the standards of the United States Army Corps of Engineers and city of Columbus. Plans for proposed docks must be submitted to and approved by the director.

(1) The recreation and parks commission may adopt administrative rules for floating boat dock construction, maintenance and other privileges pertaining to the use of undeveloped city parkland. Violation of administrative rules shall result in the temporary or permanent revocation of docking privileges and/or impoundment of vessel(s) and removal of associated structures on parkland.

(2) The director must approve any alteration or improvements to existing permitted structure(s) in writing.

(P) Private boat docks and stakes without the proper permit are prohibited and will be considered abandoned by the owner and will be removed subject to provisions as set forth in this chapter and the administrative rules.

(Q) Placement or storage of any private property on reservoir parkland is prohibited without written approval from the director.

(R) By March 31, 2001, all applicants for new or renewal of permits for private docks, stakes and moorings along the shore of the waterways of the city must have an approved land stewardship agreement on file with the division of water prior to the issuance of said permit. A land stewardship agreement shall define agreed upon water supply reservoir

watershed best management practices and landscape enhancements that abutting property owners may perform on city property.

(S) All private docks, ramps, improved walkways, improvements, utilities or any other private structures or property shall be removed by the person or person(s) originally granted permission to make the improvements, at their expense, if at any time that person or person(s) fails to renew the annual permit or transfers the adjacent private property to a new owner. These improvements may only be left in place if a new owner advises the city of Columbus, recreation and parks department, in writing that they accept full responsibility for the maintenance and removal (if necessary) of these improvements. This acceptance must be on an approved Columbus recreation and parks department form for this purpose and must be submitted within ninety (90) days of the transfer of the adjacent real property. Any and all encroachment issues must be fully resolved to the satisfaction of the city of Columbus before permission or permits may be granted for any dock, stake, mooring or additional improvements.

(Ord. 805-05 § 1 (part).)

SECTION 2. That the prior existing Section 921.01-8 of the 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.