

## Legislation Details (With Text)

<b>File #:</b>	18-616	<b>Name:</b>	
<b>Type:</b>	Ordinance	<b>Status:</b>	Consent Item Ready
<b>File created:</b>	10/9/2018	<b>In control:</b>	City Council
<b>On agenda:</b>	10/22/2018	<b>Final action:</b>	
<b>Title:</b>	Approval of the second and final reading of an ordinance amending Chapter 138, Article VI-Water Recreation Shuttle Services, Sections 138-167 to 138-170, to clarify the need of a certificate of occupancy to utilize public river entrances and exits, remove the requirement of a shuttle poster, and create a limit to the number of Comal and Guadalupe River Shuttle Permits that are available.		

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Shuttle Ordinance draft

Date	Ver.	Action By	Action	Result
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Presenter/Contact

*Amy Niles, River Operations Manager  
(830) 221-4628 - aniles@nbtexas.org*

**SUBJECT:**

Approval of the second and final reading of an ordinance amending Chapter 138, Article VI-Water Recreation Shuttle Services, Sections 138-167 to 138-170, to clarify the need of a certificate of occupancy to utilize public river entrances and exits, remove the requirement of a shuttle poster, and create a limit to the number of Comal and Guadalupe River Shuttle Permits that are available.

**BACKGROUND / RATIONALE:**

Chapter 138, Article VI, Section 138-167 requires that shuttle operators obtain a Water Recreation Shuttle Permit from the City each year. As part of the application, the shuttle operator is required to submit a copy of their Certificate of Occupancy (CO) for their shuttle business. However, practice has evolved to allow shuttle operators that do not have a CO to obtain a permit. In 2018 staff began to enforce the requirement as written in the ordinance, which negatively affected certain County operators who were long-time providers. City staff allowed those users to get a permit in 2018 but not access public river entrances or exits. The recommended revision aligns the ordinance with that 2018 adjustment. Any Water Recreation Shuttle Operator who operates in the City of New Braunfels will need an inspection and permit, even if they are allowing their customers to enter and exit the Comal or Guadalupe Rivers on private property. Those that have a Certificate of Occupancy will receive the added benefit of the use of City designated river entrances and exits. As a reminder any new private river entrances or exits require City approval through a Special Use Permit.

Also, under current procedures, water recreation shuttles must have a City-issued river rules poster in their shuttle. This rule is ineffective for two reasons:

- There is little space in a shuttle to hang a poster that includes wording that is readable to the

rider.

- Some customers do not enter a water recreation shuttle until they have exited the river since the business they used has a private river entrance.

Therefore, staff would like to explore other education options such as better signage at the shuttle outfitter businesses. We will work with the River Advisory Committee and the outfitters to implement a plan.

Changing the language on the number of Comal and Guadalupe River Shuttle Permits from unlimited to limited is recommended due to the limited available space at the shuttle zone by the Last Tuber's Exit on Union Street and Lincoln Street as well as Cypress Bend Park. The proposed ordinance revision includes criteria that will be utilized to issue permits such as: historical use of a Shuttle Permit, historical record of compliance with Texas law and City ordinances. The City Manager (or designee) will annually determine the number of permits available based on available space.

Limiting the number of permits available on the Comal is an immediate need since there is little, if any, space available to add shuttle pick up zones. Limiting the number of permits available for the Guadalupe is not an immediate need since there is space available, and there is the potential to reconfigure the current pick up zone, if ever desired, to accommodate more permitted shuttles. Changing the ordinance now is prudent in order to set and communicate the limitations in advance.

It should be noted that the Outfitters were briefed on these changes to the ordinance at our annual end-of-season wrap up meeting.

There are additional "housekeeping" or administrative changes to the ordinance that make it read clearer and align it with current practices.

**ADDRESSES A NEED/ISSUE IN A CITY PLAN OR COUNCIL PRIORITY:**

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**FISCAL IMPACT:**

There will be some costs associated with new posters and signs; however those costs are negligible and funds are available in the River Activities Fund.

**COMMITTEE RECOMMENDATION:**

The River Advisory Committee unanimously recommends that City Council clarifies the need for a Certificate of Occupancy to utilize public river entrances and exits, remove the requirement for a shuttle poster, and create a limit to the number of Comal and Guadalupe River Shuttle Permits.

**STAFF RECOMMENDATION:**

Staff recommends approval of the ordinance revisions allowing for clarification to the need of a Certificate of Occupancy to utilize public river entrances and exits, removing the requirement for a shuttle poster, and create a limit to the number of Comal and Guadalupe River Shuttle Permits available.