



# TEMPORARY CONCESSION APPLICATION

## DEVELOPMENT SERVICES DEPARTMENT

Planning and Development Division  
3015 Market Galveston, TX 77550

(409) 797-3660

planning@galvestontx.gov  
www.galvestontx.gov

### I. APPLICANT INFORMATION

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Applicant Name

Applicant Mailing Address

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Applicant Email

Applicant Business Phone #

### II. CONCESSION INFORMATION

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Vehicle Make/Model

License Plate #

VIN # (if applicable)

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Event Name

Event Address

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Event Organizer

Organizer Phone #

Organizer's/Owner's Signature

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Event Dates

From (MM/DD/YY) to (MM/DD/YY)

### III. APPLICANT CHECKLIST *(Applicant must provide **all** documents at time of application)*

- \_\_\_\_\_ Valid legal photo identification
- \_\_\_\_\_ Valid liability insurance (commercial and motor vehicle)
- \_\_\_\_\_ Valid Galveston County Health District (GCHD) permit (annual or temporary)
- \_\_\_\_\_ Site plan, drawn to scale (including property lines, existing structures, parking, and location of concession vehicle(s) on site)
- \_\_\_\_\_ Copy of contract agreement with event organizer
- \_\_\_\_\_ Commissary agreement (must include disposal of grease, gray water, prep area as applicable)
- \_\_\_\_\_ State of Texas sales and use tax certificate with City of Galveston as origin of sales

**APPLICANT CHECKLIST (con'd)**

\_\_\_\_\_ Photos of electrical source(s) (electricity source must be a permitted source)

\_\_\_\_\_ Photos of concession vehicle showing valid DPS registration and/or license plate

\_\_\_\_\_ Permit fees (\$\_\_\_\_\_) (determined by staff)

**Note:** Temporary permit fees are \$40.00 per day of the event. A \$150 processing fee is required for applications submitted within ten business (10) days of the event. Concessions which hold a valid annual City of Galveston concession application are exempt from daily fees only.

**IV. DECLARATIONS**

\_\_\_\_\_ I CERTIFY THAT I HAVE REVIEWED AND UNDERSTAND THE APPLICABLE REGULATIONS RELATING TO TEMPORARY CONCESSIONARIES, per CHAPTER 19 OF THE CITY CODE, AND AGREE TO ABIDE BY THESE (Ord. 22-035). I UNDERSTAND THAT FAILURE TO ABIDE BY THESE REGULATIONS MAY RESULT IN ENFORCEMENT ACTION UP TO AND INCLUDING PERMIT REVOCATION (please initial)

\_\_\_\_\_ I CERTIFY AND UNDERSTAND THAT THIS TEMPORARY CONCESSION PERMIT IS VALID ONLY FOR THE EVENT DATE(S) LISTED, AND OPERATIONS WITHOUT A VALID CONCESSION PERMIT IS PROHIBITED. I CERTIFY AND UNDERSTAND THAT EACH EVENT REQUIRES A SEPARATE TEMPORARY CONCESSION PERMIT (please initial)

\_\_\_\_\_ I CERTIFY THAT ALL INFORMATION PROVIDED IN THIS APPLICATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE (please initial)

\_\_\_\_\_  
Applicant Printed Name and Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Organizer Printed Name and Signature

\_\_\_\_\_  
Date

**DEPARTMENT USE ONLY**

\_\_\_\_\_  
Planning Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Comments

\_\_\_\_\_  
Annual Permit Number (if applicable)

ORDINANCE NO. 22- 035

AN ORDINANCE OF THE CITY OF GALVESTON, TEXAS, AMENDING THE CODE OF THE CITY OF GALVESTON, AS AMENDED, CHAPTER 19, "LICENSES, PERMITS AND BUSINESS REGULATIONS", ARTICLE III, "CONCESSIONS AND PEDDLERS", TO AMEND REGULATIONS, STANDARDS, AND DEFINITIONS REGARDING CONCESSIONS AND PEDDLERS; TO MAKE CLARIFICATIONS, RENAME, RENUMBER AND REARRANGE THE CHAPTER AS APPLICABLE; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; PROVIDING FOR AN EFFECTIVE DATE.

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**WHEREAS**, the Galveston City Council seeks to promote the public health, safety, morals and general welfare of the municipality and the safe, orderly, and healthful development of the municipality; and,

**WHEREAS**, staff has reviewed Chapter 19 of the City Code regarding regulations on concessions and peddlers. Staff has made recommendations in order to amend the regulations, standards and procedures and make clarifications, and modifications, as applicable to the Chapter; and,

**WHEREAS**, the Planning Commission has reviewed the City Code regarding concessions and peddlers, including meetings held with concessionaires, and those interested in the subject thereof and several open meetings to discuss the issue; and,

**WHEREAS**, on June 7, 2022, the Planning Commission recommended approval of the revisions to Article III, Concessions and Peddlers". In addition, the Planning Commission recommends that due to the demands associated with the new requirements, that those current concession permit holders be provided a transition period to December 31. December 31 coincides with the annual termination of all concession permits. Any new concession permits must comply with the new regulations and requirements as proposed in Section 2, below; and,

**WHEREAS**, the City Council deems it in the public's interest to amend Chapter 19, "Licenses, Permits and Business Regulations", regarding Article III, "Concessions and Peddlers", of "The Code of The City of Galveston 1982, as amended," as provided below.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GALVESTON, TEXAS:**

**SECTION 1.** The findings and recitations set out in the preamble to this Ordinance are found to be true and correct and they are hereby adopted by the City Council and made a part hereof for all purposes.

**SECTION 2.** Chapter 19, “Licenses, Permits and Business Regulations”, Article III., “Concessions and Peddlers”, is amended to read and provide as follows:

**ARTICLE III. - CONCESSIONS AND PEDDLERS**

**Sec. 19-51. - Definitions.**

Commissary means any establishment or service which can lawfully collect and/or dispose of grease, oil, grey water, and trash and provide potable water.

Concession means an enterprise which operates in the open and utilizes a readily movable, self-sufficient, vehicle-mounted establishment, designed specifically for sales, and that makes available for sale perishable goods/food items or commodities.

~~Concession means an enterprise which operates in the open and or utilizes a non-permanent structure and that makes available for sale perishable or non-perishable goods or commodities.~~

*Concession park* means any parcel where two (2) or more concessions gather under a designated park manager.

*Concession park manager* means a person, corporation or entity that owns or is designated as the responsible party for management of a park and shall be responsible for ensuring the concessions functioning in the park follow all state, city codes and all applicable regulations contained in this article.

~~Concession truck/trailer/kiosk means a mobile concession establishment that is self-sufficient and readily moveable.~~

*Kiosk* means any cart, table, equipment or apparatus, which is designed and intended so as to not be a permanent fixture, and which is used for retail sales, rental, and/or display of perishable and/or non-perishable goods and/or commodities. This definition does not include any motorized or non-motorized vehicle such as a truck, trailer, mobile home, automobile, van or the like.

~~Mobile concession means a concession that moves from location to location providing their services~~

Motor vending means a concession that moves from location to location selling pre-packaged food items pursuant to state and local laws.

*Peddler* means a person who goes from place to place selling small goods or services for profit.

*Special event* for the purposes of this chapter, shall be defined by chapter 6, article II.

Temporary Concession means any concession which does not possess an annual City of Galveston concession permit.

*Trailer* means a portable vehicular structure built on a chassis, which may or may not be self-propelled being either a dependent or independent unit.

**Sec. 19-52. - Permit required.**

- (a) No person shall peddle or conduct a concession in the city without a permit.
- (b) A new permit shall be obtained each calendar year, from January 1 through December 31. The annual permit is valid from the date the permit is obtained and shall expire on December 31 of each year.
- (c) ~~All permits shall be non-transferable to person and/or location, unless City concession permits shall be specific to concession vehicles.~~
  - ~~(1) Request is in writing with supporting application materials; and~~
  - ~~(2) Request is received within sixty (60) days of original permit issuance.~~
- (d) Persons requesting to operate as both a concessionaire and a peddler shall be required to obtain separate permits for each request, and shall comply with the regulations for both types of operation.

**Sec. 19-53. - Procedure for approval and applicable standards for Concessions.**

- (a) The application shall be submitted to the development services department at least ten (10) working days prior to the first date the contemplated concession is to take place.
- (b) Application submittal requirements may include, but not be limited to, the following:
  - (1) Completed written application signed by the applicant and property owner or owner's agent;
  - (2) Valid legal identification of the concession operator;
  - (3) Proof of insurance and/or bond, in accordance with requirements established by the city;
  - (4) Site plan (each location of a concession shall be considered a separate business, therefore a separate permit shall be required for each location);  
Site plan, drawn to scale, showing the property lines, existing structures, parking, and location of concession and any associated seating, signage, and trash receptacles;
  - (5) Proposed signage;
  - (6) A Galveston County A-county Health District department permit, is required. Any concessions must adhere conform to county health district department requirements;
    - a. A manifest of visits to the approved commissary, signed by the commissary owner/operator, shall be kept on site and provided for review on request. Commissary use must conform to Galveston County Health District standards.
  - (7) Copy of the current signed lease from the property owner(s) to utilize the property from which the concession is to be conducted;
    - a. Up to four (4) concession park sites may be included on one (1) permit providing all other provisions are met for each concession park site;

- (8) State sales tax identification number ~~and with~~ the city of Galveston shall be indicated as the origin of sales; ~~and,~~
  - (9) ~~A statement as to whether or not the applicant has been convicted of any crime, misdemeanor or violation of any municipal ordinance (the city reserves the right to perform a criminal background check prior to the issuance of a permit); and~~
  - ~~(9)(10)~~ Payment of a concession fee (permit fee) as established by the city council. The annual permit fee as established by the city council, shall be:
    - a. Five hundred dollars (\$500.00) per any individual site concession; and/or
    - b. Two hundred and fifty dollars (\$250), if the concession is located in at least one (1) permitted concession park;
    - c. The permit is valid from the date of completion of the application and payment of the concession fee has been made;
  - ~~(10) The concession park manager shall obtain a Certificate of Zoning Compliance before operating as a concession park. ~~pay a concession park fee as established by city council;~~~~
    - a. ~~The annual permit fee, as established by the city council, shall be one thousand dollars (\$1,000.00) per concession park permit;~~
    - b. ~~The permit is valid from the date of completion of the application and payment of the concession park permit fee has been made.~~
- (c) Location standards.
- (1) Concession permits are valid in commercial, resort/recreation, central business, heavy industrial and light industrial zoning districts and commercial properties in Traditional Neighborhood zoning.
  - (2) Concessions will not be permitted within one hundred (100) ~~seventy-five (75)~~ feet of an existing brick and mortar business which sells similar goods or services. A concessionaire who also owns an adjacent brick and mortar business is exempt from the one hundred (100) foot separation requirement. Measurement shall be from the window of the concession to the door of the business.
- (d) The following regulations shall apply:
- (1) The proposed site of the concession may not include or be located within any required parking space(s) for a permanent business(es);
  - (2) A concession may not be located in the public right-of-way, state highway department right-of-way or driveway and any serving window shall maintain a minimum setback of five (5) feet from the street right-of-way;
  - (3) ~~For purposes of this article, structures,~~ Structures that are manufactured for a use other than mobile vending may not be used. Examples of acceptable vehicles include, but are not limited to, vehicle equipped with serving windows, merchandise display equipment, kitchen preparation areas, and advertisement display section. ~~Approved structures must adhere to the following:~~

- a. ~~No cracked windows;~~
  - b. ~~No visible rust or disrepair;~~
  - e. ~~No offensive images or language may be on the concession or signs;~~
  - d. ~~No emission of noxious gases, odors, and/or fumes;~~
- (4) Shall not operate from a vehicle such as a passenger (pickup) truck, flatbed trailer, mobile home, automobile, or passenger van;
  - (5) Maximum of ~~twelve (12)~~ six (6) person seating allowed;
  - (6) The concession must be kept in good repair and remain functional and mobile while on site ~~able to relocate within eight (8) hours of an emergency declaration by the city;~~
  - (7) The concession shall be maintained in a clean and sanitary manner and shall not allow the accumulation of stagnant water. The concession must be associated with a commissary for disposal of oil and grey water;
  - (8) Food preparation must meet Galveston County Health District regulations;
  - (9) Concessions must utilize have a potable water source as approved by the county health district; ~~and provide a free-standing pole, or on-board generator for electrical service;~~
  - (10) Concessions may utilize any source of electricity permitted and installed in accordance with adopted building and life-safety codes;
  - (11) A-frame signage is limited to one (1) per concession. Signage is limited to the face of the concession itself, except as provided in City Code. All other sign standards apply to concession vehicles; A maximum of four (4) signs shall be permitted at each concession. The cumulative square footage may not exceed the face of the structure. Flashing and/or intermittent lighting signs are prohibited. A frame signage is limited to one (1) per concession and may not exceed a square footage of six (6) square feet. No signage may exist within the city right-of-way;
  - (12) Off-site business advertising is limited to the advertisement of brick and mortar establishments owned by the concessionaire;
  - (13) All concession sales and display must occur within the concession vehicle. No outdoor display allowed. The concession shall not use noise, lighting, or windblown devices as a means of attracting attention to the business;
  - (14) Shall be permitted without a distance requirement from a residential structure in a commercial zoning district when the concession is located in a commercial zoning district. Shall not be permitted within one hundred (100) feet of the district line of any single-or multiple-family zoning district;
  - (15) The concession shall Must display the permit in a conspicuous location on the premises where the sale or exhibit is being conducted. The permit shall be visible from the street and must be visible from outside the concession at all

~~times shall remain on display so long as any goods or merchandise are being sold or exhibited;~~

(16) Each concession must have a covered litter receptacle available, clearly marked and maintained for patron use. This litter receptacle must be at least a forty-four (44) ~~of a twenty (20)~~ gallon capacity and composed of a leak-proof, nonabsorbent material;

(17) Concessions shall not operate within five hundred (500) feet of any preschool-12<sup>th</sup> grade public or private school building between the hours of 7am and 6pm on regular school days.

~~Shall not be permitted within five hundred (500) feet of any public or private school building or school property being used for school classes or school activities, except secondary education institutions, during the hours when school is in session, including the time period from one (1) hour before school commences to one (1) hour after classes dismiss;~~

(18) The City of Galveston reserves the right to inspect the concession site at any time for conformance with this Article.

(e) The director of the development services department, or designee, reserves the right to deny and/or revoke a permit based on any, but not limited to the following:

- (1) Inappropriate signage;
- (2) Incompatible stand/cart/vehicle design or unacceptable stand/cart/vehicle condition;
- (3) Dangerous stand/cart /vehicle placement or other threat to public health, safety and/or welfare; and
- (4) Non-compliance with permit conditions or city code provisions.

(f) Declared natural disaster. In the event of a disaster on Galveston Island, concessionaires may apply for a concession to the development services department in accordance with the following:

- (1) The following items may, as approved by the city manager, be allowed during recovery from a declared natural disaster:
  - a. Goods and services or and related items: Laundry, food, household goods, charitable activities, generators, mattresses, landscaping, retail goods, internet and wireless services.

(g) Temporary Concession Permits. Temporary concession permits may be issued for any event held on non-residential, private property which is open to the public. Temporary concession permits are subject to the following, as approved by the city, and may be issued for the sale of perishable or non-perishable goods or commodities:

- (1) Completed written application signed by the applicant and property owner or owner's agent;
- (2) A valid legal identification of the concession owner;

- (3) Proof of insurance, in accordance with requirements established by the city;
- (4) A valid Galveston County Health District department permit is required. Concessions must conform to county health district requirements;
- (5) A valid commissary agreement;
- (6) State sales tax identification number with the City of Galveston indicated as the origin of sales; and,
- (7) Concession fee of \$40 per day, up to 14 consecutive days per temporary concession application, plus a \$150 fee if the application is submitted less than ten (10) business days before the event;
- (8) Concessions which hold a valid annual concession permit are exempt from temporary concession permit fees, subject to notifying the City of Galveston of intent to participate in a temporary event at least ten (10) business days before the event.

~~(h)~~(g) Concession parks. All concession regulations apply to the concessions within the park. The concession park manager shall be responsible for assuring that any concessions functioning in the park follow all regulations as listed in this article; including but not limited to the following:

- (1) The Concession parks shall have a designated concession park manager;
  - a. The concession park manager shall obtain a ~~concession park permit to operate a concession park~~ Certificate of Zoning Compliance to operate a concession park. The concession park manager shall ensure that concessions obtain a valid City of Galveston concession permit.
  - b. No more than one concession shall be permitted per every 1,000 square feet of area;
  - c. Concessions located in parks may provide seating for up to six (6) people per concession;
  - d. Concession parks of at least 11,000 square feet in area must provide two (2) off-street parking spaces per concession, regardless of zoning. All required surfaces for vehicle parking shall conform to Article 8 of the Land Development Regulations.
  - e. Any lighting installed in a concession park shall conform to the Land Development Regulations, as amended
  - b. The permit shall provide contact information as required by the development services department.
  - e. A permit shall be obtained each calendar year. A year shall be from January 1, through December 31 of each year. No prorating.

~~(2)~~ The concession park manager shall be responsible for assuring that any concessions functioning in the park follow all regulations as listed in this article; including obtaining a concession permit;

~~(3) A site plan must be provided showing placement of concessions along with any amenities;~~

~~a. One (1) plant per concession is required in the concession park area;~~

~~b. Any lighting installed in a concession park shall adhere to appendix A, article 7, as amended;~~

~~e. Customers of concession parks where on-site parking is not available shall utilize on-street parking.~~

~~(4) No more than one (1) concession per one thousand (1,000) square feet of lot area;~~

~~(j)(b) Mobile concessions. Motor Vending~~

~~(1) May not provide seating;~~

~~(2) Mobile concessions Motor vending serving only frozen novelties may operate island-wide, except along arterial roadways.~~

~~(k)(i) Renewal. A permit may be renewed on an annual basis. A permit is valid from January 1 through December 31 of each calendar year, regardless of the date of obtaining permit.~~

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**Sec. 19-56. – Exceptions, ~~and~~ exemptions, ~~and~~ fees.**

~~(a) The provisions of this article shall not apply to special events or other public festivals of nonprofit organizations for the purpose of fundraising, as approved by the city.~~

~~(a)(b) Concessionaire permits and regulations shall not apply to designated state park facilities.~~

~~(b)(e) The area commonly known as Saengerfest Park may allow kiosks to sell perishable or non-perishable goods, services, and commodities subject to the property manager's discretion (Ord. 07-044).~~

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**SECTION 3.** It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance.

**SECTION 4.** All Ordinances or parts thereof in conflict herewith are repealed to the extent of such conflict only.

**SECTION 5.** All Ordinances of general and permanent nature, and amendments to such Ordinances, hereinafter adopted by the City Council, shall be drafted, so far as possible, as specific amendments of, or additions to, this Code. Amendments to this Code are intended for publication to the Galveston City Code. The Codifier is authorized pursuant to the Galveston City Code to make non-substantive changes to the Ordinance prior to publishing.

**SECTION 6.** In accordance with the provisions of Sections 12 and 13 of Article II of the City Charter this Ordinance has been publicly available in the office of the City Secretary for not less than 72 hours prior to its adoption; that this Ordinance may be read and published by descriptive caption only.

**SECTION 7.** This Ordinance shall be and become effective on, from and after its adoption and publication in accordance with the provisions of the Charter of the City of Galveston.

**SECTION 8.** There will be a transition period from the effective date of this Ordinance through December 31 for current concession permit holders to allow those current permit holders to come into conformance with the requirements of the Ordinance. Any new concession permits must comply with the new regulations and requirements as adopted herein. The regulations of this Ordinance will be fully enforced beginning January 1, 2023.

APPROVED AS TO FORM:

DocuSigned by:  
*Donna Fairweather*

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DONNA M. FAIRWEATHER  
SR. ASSISTANT CITY ATTORNEY

I, Janelle Williams, Secretary of the City Council of the City of Galveston, do hereby certify that the foregoing is a true and correct copy of an Ordinance adopted by the City Council of the City of Galveston at its Regular meeting held on June 23, 2022, as the same appears in records of this office.

IN TESTIMONY WHEREOF, I subscribe my name hereto officially under the corporate seal of the City of Galveston this 11th day of July, 2022.



DocuSigned by:  
*Janelle Williams*  
F12776E17E29488  
Secretary for the City Council  
Of the City of Galveston