



Planning and Development Division
3015 Market Galveston, TX 77550

CONCESSION APPLICATION

DEVELOPMENT SERVICES DEPARTMENT

(409) 797-3660

planningcounter@galvestontx.gov
www.galvestontx.gov

I. APPLICANT INFORMATION

Applicant Name Applicant Mailing Address

Applicant Email Applicant Business Phone #

II. CONCESSION INFORMATION

Concession Name: _____

Vehicle Make/Model	License Plate #	VIN #
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Location #1 Address	Owner's Signature	Concession Park (Y/N)?
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Location #2 Address	Owner's Signature	Concession Park (Y/N)?
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Location #3 Address	Owner's Signature	Concession Park (Y/N)?
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Location #4 Address	Owner's Signature	Concession Park (Y/N)?
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Note: applicant may include up to four (4) permitted concession parks on one permit. Any additional locations not within permitted concession parks must submit a separate application and fee. See fee structure, below.

III. APPLICANT CHECKLIST *(Applicant must provide all documents on checklist during application)*

- _____ Valid legal photo identification
- _____ Valid liability insurance (commercial and motor vehicle)
- _____ Valid Galveston County Health District (GCHD) permit
- _____ Site plans, drawn to scale (including property lines, existing structures, parking, and location of concession vehicle(s) on site)

CONCESSIONS APPLICANT CHECKLIST (con'd)

- _____ Copy of lease agreement(s) for each property/location
- _____ State of Texas sales and use tax certificate with City of Galveston as origin of sales
- _____ Photos of electrical source(s) (electricity source must be a permitted source)
- _____ Photos of concession vehicle showing valid DPS registration and license plate
- _____ Permit fees (\$_____)(Determined by Staff)

Note: Annual permit fees are \$250.00 per year if all location(s) are in permitted concession parks. Otherwise, each permanent location requires a separate \$500 permit fee and application. Permit fees are non-refundable in whole or in part, and are not prorated.

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 CONCESSION PERMITS EXPIRE ON DECEMBER 31st OF EACH YEAR, AND OPERATIONS WITHOUT A VALID CONCESSION PERMIT IS PROHIBITED. (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

DEPARTMENT USE ONLY

Planning Signature

Date

Comments

Permit Number and Year

ARTICLE III. - CONCESSIONS AND PEDDLERS^[2]

Footnotes:

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Editor's note— [Ord. No. 15-061, § 2, adopted July 23, 2015](#), amended ch. 19, art. III, §§ 19-51—19-59, in its entirety. Former art. III pertained to "Peddlers and Temporary Concessions," and was derived from Ord. No. 83-14, § 2, adopted March 24, 1983; Ord. No. 86-4, § 1, adopted January 9, 1986; Ord. No. 86-69, § 1, adopted December 18, 1986; Ord. No. 89-5, § 3, adopted January 12, 1989; Ord. No. 89-51, §§ 3, 4, adopted May 4, 1989; Ord. No. 90-08, § 2, adopted February 5, 1990; Ord. No. 90-24, § 2, adopted April 12, 1990; Ord. No. 91-17, § 2, adopted February 28, 1991; Ord. No. 96-04, § 2, adopted January 25, 1996; Ord. No. 97-102, § 3, adopted December 11, 1997; Ord. No. 99-33, § 2, adopted April 8, 1999; Ord. No. 00-009, § 2, adopted January 27, 2000; Ord. No. 00-019, § 2, adopted February 24, 2000; Ord. No. 00-080, § 4, adopted December 14, 2000; Ord. No. 01-008, § 2, adopted February 8, 2001; Ord. No. 01-018, § 2, adopted March 19, 2001; Ord. No. 01-032, § 2, adopted June 1, 2001; Ord. No. 04-019, § 2, adopted January 22, 2004; Ord. No. 04-061, § 2, adopted June 10, 2004; Ord. No. 09-055, § 2, adopted August 27, 2009; Ord. No. 10-082, §§ 2—5, adopted October 14, 2010; Ord. No. 12-040, § 2, adopted August 9, 2012; [Ord. No. 13-062, § 2, adopted November 21, 2013](#); [Ord. No. 14-046, § 2, 3, adopted August 14, 2014](#) and [Ord. No. 15-024, § 2, adopted March 26, 2015](#).

Sec. 19-51. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

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 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.

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.

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 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.

([Ord. No. 15-061, § 2, 7-23-15](#) ; Ord. No. [22-035](#), § 2, 6-23-2022)

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) City concession permits shall be specific to concession vehicles.
- (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.

([Ord. No. 15-061, § 2, 7-23-15](#) ; Ord. No. [22-035](#), § 2, 6-23-2022)

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, in accordance with requirements established by the city;
 - (4) 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 Health District permit, is required. Concessions must conform to county health district 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 with the city indicated as the origin of sales; and,
 - (9) 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 (\$250.00), 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.
- (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) 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) 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.
 - (4) Shall not operate from a vehicle such as a passenger (pickup) truck, flatbed trailer, mobile home, automobile, or passenger van;
 - (5) Maximum of six (6) person seating allowed;
 - (6) The concession must be kept in good repair and remain functional and mobile while on site;
 - (7) The concession shall be maintained in a clean and sanitary manner and shall not allow the accumulation of stagnant water;
 - (8) Food preparation must meet Galveston County Health District regulations;
 - (9) Concessions must utilize a potable water source as approved by the county health district; ;
 - (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;
 - (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.
 - (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 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;
 - (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) gallon capacity and composed of a leak-proof, nonabsorbent material;
 - (17) Concessions shall not operate within five hundred (500) feet of any preschool-12th grade public or private school building between the hours of 7:00 a.m. and 6:00 p.m. on regular school days.

- (18) The city 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 services 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 indicated as the origin of sales; and,
 - (7) Concession fee of forty dollars (\$40.00) per day, up to fourteen (14) consecutive days per temporary concession application, plus a one hundred fifty dollars (\$150.00) 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 intent to participate in a temporary event at least ten (10) business days before the event.
- (h) 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) Concession parks shall have a designated concession park manager;
 - a. The concession park manager shall obtain a certificate of zoning compliance to operate a concession park. The concession park manager shall ensure that concessions obtain a valid city concession permit.
 - b. No more than one (1) concession shall be permitted per every one thousand (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 eleven thousand (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
- (i) Reserved.
- (j) Motor vending.
 - (1) May not provide seating;
 - (2) Motor vending may operate island-wide, except along arterial roadways.
- (k) 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.

([Ord. No. 15-061, § 2, 7-23-15](#) ; Ord. No. [22-035](#), § 2, 6-23-2022)

Sec. 19-54. - Rules for peddlers.

- (a) Peddling shall not be permitted upon the paved or graded portion of any public street, except as otherwise noted on the permit, nor upon the sidewalk of the Seawall Boulevard, nor within one hundred (100) feet of the northerly right-of-way line of the Seawall Boulevard.
- (b) The permit shall be in the permittee's possession at all times.
- (c) Peddling shall not be permitted along State Highway 87 or within one thousand (1,000) feet of the Galveston-Bolivar Ferry Landing.
- (d) Peddling shall not be permitted on any property southerly of the seawall with the exception of vendors on the beach with permission from the park board of trustees.
- (e) Peddling, to include the sale of goods from vehicles, 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.

([Ord. No. 15-061, § 2, 7-23-15](#))

Sec. 19-55. - Beach concessions—Rules for beach concessionaires.

- (a) The term beach concessionaire area shall refer to all public areas of the beachfront, south of the southerly right-of-way of Seawall Boulevard that can be utilized for equipment rental relating to recreation on the beach. This term shall only be applied to this section, as it relates to the permitting of concessionaires.
- (b) The term lease site shall refer to the designated area, determined by the city beach concessionaire agreement and/or park board of trustees lease agreement, as applicable.
- (c) Beach concessionaires shall only be permitted to install the following signs, per each lease site:
 - (1) Sandwich board sign, as defined by, appendix A, article V, may not exceed three (3) feet by two (2) feet, and is utilized solely to display the type of items for rental, and the respective fee(s). Only one (1) sandwich board sign is permitted per lease site.
- (d) Concessions within the beach concessionaire area shall not be permitted to utilize temporary or portable buildings.

- (e) All provisions of the city's land development regulations must be met.
- (f) Concessionaire permits and regulations shall not apply to designated state park facilities.
- (g) Property managed by the park board in regards to concessions shall adhere to the requirements in this article and all other city codes and ordinances.
- (h) The park board of trustees shall have authority, subject to approval by the city council to revoke or suspend any permit issued hereunder for violation of any provision of this subsection.

([Ord. No. 15-061, § 2, 7-23-15](#))

Sec. 19-56. - Exceptions, exemptions, and fees.

- (a) Concessionaire permits and regulations shall not apply to designated state park facilities.
- (b) 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).
- (c) An owner/operator of a concession who is also the operator of a primary business conducted upon the same property and who is selling, through the concession, the same merchandise or goods that the operator is authorized to sell in the owner/operator's primary business entirely within the boundaries of the owner/operator's primary business location, and where the owner/operator is operating within the boundaries of premises from which the owner/operator has a license from the Texas Alcoholic Beverage Commission, is not required to obtain a permit to operate such concession. A business shall be considered a primary business only if the owner/operator of the business has been in business in the same location within the designated Mardi Gras or the Seawall Entertainment District area for a continuous period of at least six (6) months prior to the annual Mardi Gras Festival and has been issued a certificate of occupancy for conduct of such business.
- (d) A person who holds a valid permit for rental of beach equipment pursuant to the requirements of section 8-53 shall not be required to obtain a permit under this article.
- (e) With the exception of subsection (b), during the period of Mardi Gras activities or festivals, no person shall peddle or conduct an outdoor concession within the city without first having obtained a permit.
 - (1) A Mardi Gras concession permit will be issued for locations where allowed by city regulations with written and notarized authorization from the owner of that location.
 - (2) Concessions for food or drink will not be permitted within three hundred (300) feet of an existing business which sells food or drink outside of the Central Business District, as defined by the Mardi Gras ordinance (See chapter 20.5).
 - (3) Concessions which sell food or drink must have a valid permit from the county health district and permission to sell food or drink from the city prior to the issuance of a Mardi Gras permit.
 - (4) Separate permits are required for each concession, and shall not be issued without approval by the city council upon recommendation of the city manager.
 - (5) The permit fee for each concession within the area designated "entertainment area" will be as set forth in the Mardi Gras agreement with the city. The permit fee for each concession outside the area designated "entertainment area" will be as follows:

Seventy-five dollars (\$75.00) per weekend for beer or alcohol booths.

Fifty dollars (\$50.00) per weekend for food or novelty concessions.

It is the intention of this section that a separate permit fee will be paid for each separate concession regardless of whether the concession occupies an entire lot or location or a portion of said lot or parcel, and regardless of whether the concession is located inside or outside the entertainment area. A separate concession shall be based on a space of ten (10) feet by ten

(10) feet. No more than two (2) permits shall be issued per each application and each individual or entity may not apply for more than two (2) permits for concessions on public property within the entertainment area, during the duration of Mardi Gras. When the city, has designated an exclusive concessionaire, the permit fees will be established in accordance with chapter 20.5, article VII(A) and the exclusive concessionaire's contract. In addition to the permit fee, the city reserves the right to require a bond or deposit to assure the clean-up of debris.

- (6) A two hundred dollar (\$200.00) cash bond must be posted for each concession, which is refundable upon inspection of the concession site and the approval by the city.
- (7) The Mardi Gras permit will be valid only for the duration of the festival period only. Use of public rights-of-way by festival concessions will be limited to specific locations within the central business district only, and all concessions located in rights-of-way must be removed within twelve (12) hours of the conclusion of the parade for which they were erected.
- (8) Each concession will provide one (1) fifty-five (55) gallon trash receptacle.
- (9) Each concession will display the Mardi Gras permit in a conspicuous location inside the concession stand/kiosk.
- (10) If any provision of this section conflicts with chapter 20.5 (the Mardi Gras ordinance), the Mardi Gras ordinance shall control and prevail.

([Ord. No. 15-061, § 2, 7-23-15](#); Ord. No. [22-035](#), § 2, 6-23-2022)

Sec. 19-57. - Penalty.

- (a) A violation under this section is a class C misdemeanor offense punishable upon conviction by a fine not to exceed five hundred dollars (\$500.00) per offense. Each day shall constitute a separate offense.
- (b) Pursuant to state law and this Code, the maximum penalty for offenses arising under such code or ordinance of the city governing fire safety, zoning, public health and sanitation, shall not exceed the sum of two thousand dollars (\$2,000.00).
- (c) If such maximum penalty provided for by this Code or any such offense is greater than the maximum penalty provided for the same or a similar offense under the laws of the state, then the maximum penalty for violation as provided by state statute shall be the maximum penalty under this Code.
- (d) Penalties provided for are in addition to any other enforcement remedies that the city may have under city ordinances and state law.