



## COUNTY of GALVESTON

Department of Parks & Cultural Services  
4102 Main Street (FM 519) La Marque, Texas 77568  
Phone: (409) 934-8100 Fax (409) 934-8140  
[www.galvestoncountytx.gov](http://www.galvestoncountytx.gov)

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October 1, 2021

Dear Prospective Beach Vendor,

We are excited to announce that applications for the upcoming 2022-2023 beach vending season are now available! The deadline for all applications is January 1, 2022. Applications will not be accepted after the deadline. An official review of all received applications will take place in January 2022 and applicants will be notified in writing of their approval or denial by February 7th, 2022.

Please note that an application must be submitted for each zone requested. Read through the Bolivar Beach Vending policy closely. We hold our business owners to a high standard so it is important that you know and follow the rules. When the two year vending period is over you must give back the old permits, so please do not throw the old permits away. When the permits get washed out from the sun, return the permits. We will print you off new permits. It is your responsibility to keep the county up to date with your auto insurance, commercial liability insurance, and health certificates if applicable to your business. You will have 3 days from your expiration to supply us with the updated information. Those are the reminders, I hope that you have a fantastic year. Good luck, and if you have any further questions, please call my direct line at 409-934-8103.

Sincerely,

A handwritten signature in black ink that reads "Michael Lentz". The signature is written in a cursive, flowing style.

Michael Lentz, Bolivar Beach Supervisor  
[Michael.Lentz@co.galveston.tx.us](mailto:Michael.Lentz@co.galveston.tx.us)

**GALVESTON COUNTY  
DEPARTMENT OF PARKS & SENIOR SERVICES  
Check List for Beach Vending Permit Application**

The application packet must include the following items (please check off each item so that you know you have fulfilled the requirements).

- A completed application, on forms provided—completely filled out and notarized. Copies of drivers' licenses are required.
- Credit check release.
- Copy of current vehicle liability insurance certificate.
- Original certificate of current general liability insurance, showing Galveston County as additional insured, in the minimum amounts of \$100,000 per injury, \$300,000 per occurrence, and \$100,000 property damage, and valid for the entire vending period.
- A current Galveston County Health Certificate, if food or drink products are to be sold; all shrimp or fish vendors will need Texas Parks and Wildlife Department permits. **Exception: The Galveston County Health Department, the Federal Department of Agriculture (FDA) and the Texas Department of Health (TDH) do not consider prepackaged ice cream products potentially hazardous foods and do not require a Health Certificate to sell prepackaged ice cream products.**
- Two recent color photographs of the vehicles and structures to be used for the vending business establishment, showing the driver's side, the passenger's side, and the license plate number of any vehicle and the front and back of any structure;

**The name of the business must be permanent and visible from two sides of the vehicle per the Beach Vending Policy.**

- Your state sales tax number;
- A copy of your assumed name certificate, if required under Chapter 36, Business & Commerce Code, or an explanation of why a certificate is not required.
- A cashier's check or money order for the \$100 application fee. **The application fee of \$100 for each application packet for each permit the applicant seeks to operate in each zone in which the applicant seeks to operate. Checks should be made payable to "Galveston County". An applicant is not eligible for more than one permit per zone. If an applicant applies for and is approved to receive two or three permits for identical categories in different zones, the applicant may choose which zone or zones it prefers for its business and request a waiver in writing of all but one of the approved zones for issuance of a permit to the applicant. The written waiver request must be delivered to the attention of the Director of the Department of Parks and Senior Services not later than the 5<sup>th</sup> day after the date the applicant receives notice that the applicant's multiple applications have been approved.**



**Submit the application packet to:**  
 Galveston County Parks Department  
 PO Box 1679  
 Crystal Beach, TX 77650  
 Attention: Bolivar Beach Sticker Supervisor  
 Beach Vending Permits  
 Phone Number: (409) 934-8103

**Galveston County Department of Parks & Senior Services**  
**Application for Beach Vending Permit**

1. Check one of the following and complete as indicated:

- Individual     
  Partnership     
  Corporation

Name	Street Address	City, State, Zip Code	Driver's License Number

2. If an application is a partner or corporation, give the name of one partner or officer (not a manager unless an officer) who is primarily responsible for the management of the premises:

_____	_____
<b>Name</b>	<b>Driver's License Number</b>

3. Address where correspondence is to be mailed: \_\_\_\_\_

4. Applicant desires to operate under Trade Name of: \_\_\_\_\_

5. Category:

- Food & Drink     
  Novelties     
  Water Activity  
 Surfboard     
  Port-o-cans     
  Other

6. Commodities to be sold: \_\_\_\_\_

7. Has any named person referenced above, their spouse or employee ever been arrested for an offence?

Yes       No

If yes, please explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

8. Vehicle(s) or trailer(s) to be used in business described as follows:  
NOTE – Throughout the duration of the vending period, changes to the license plate numbers must be in writing and approved by the manager. The vehicle/trailer listed on the application will be the vehicle assigned to the permit.

Name	Type	Year/Model	Serial Number	Lic./TX No.

9. Furnish names, addresses, current valid driver license numbers, and **copy of driver's license** of each individual that will be operating the beach business vehicle of which a permit is applied for:

Name	Address	Driver's License Number

10. Check one zone for which permit is applied for (only 1 zone to be checked; separate applications are required for each zone):

Crystal Beach       North Beach       South Beach

11. Business will be conducted:

Daily       Weekly       Occasionally

STATE OF TEXAS, COUNTY OF \_\_\_\_\_ Before me the undersigned authority in the date personally appeared \_\_\_\_\_ who, after being my duty sworn, did upon oath depose and say that after having read said application, that all the facts set forth therein are true and correct, and attested to by the signature below:

Signature \_\_\_\_\_ This \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_ Notary in and for \_\_\_\_\_ County, Texas.

**Galveston County Department of Parks & Senior Services**  
**Vendor Personal History Information**  
**ANSWER QUESTION FULL, ANY FALSE STATEMENTS WILL DISQUALIFY YOU**

1. FULL LEGAL NAME of Applicant: \_\_\_\_\_
2. Birth date: \_\_\_\_\_
3. Contact number(s): Home: \_\_\_\_\_  
Cell: \_\_\_\_\_
4. Address of applicant: Street number: \_\_\_\_\_  
County: \_\_\_\_\_  
State: \_\_\_\_\_  
Zip: \_\_\_\_\_
5. How long at your current address? \_\_\_\_\_
6. Birth date: \_\_\_\_\_
7. How much personal cash do you actually have invested in the business? \_\_\_\_\_
8. Name of firm or person financing this business: \_\_\_\_\_
9. Have you ever used narcotics in any form?  
 Yes  No
10. Have you or your partner, manager, or spouse ever been cited or arrested for any reason or been the subject of a criminal investigation?  
 Yes  No
11. If the answer to #10 is Yes, please explain:  
\_\_\_\_\_  
\_\_\_\_\_

12. Give three business references (Name, address, and phone number) of each who are not related.

Name	Address	Phone Number

13. Give employment for the past three years – Employer’s name, address, and dates:  
\_\_\_\_\_  
\_\_\_\_\_

I certify by my signature the above information is true and correct.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Name (printed): \_\_\_\_\_

**Galveston County Department of Parks & Senior Services**  
**Credit Release Form**

I \_\_\_\_\_ doing business as \_\_\_\_\_  
do hereby grant Galveston County and the Galveston County Department of Parks and Senior Services permission to conduct  
a credit check on myself and my company for the purpose of fulfilling the requirements for a Beach Vending Permit.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Name (printed): \_\_\_\_\_

## **PROCEDURES FOR OBTAINING A FOODSERVICE PERMIT FOR A MOBILE UNIT**

**The following information is presented as a guideline to outline requirements for a mobile food establishment.**

<http://www.gchd.org/ech/foodestab.htm>

### **Submitting Plans:**

Plans drawn to scale, blueprints or contractor's drawings, for new construction, existing or renovation of an existing unit, must be submitted to the Health District for approval. Plans should show the layout (identifying equipment and providing an equipment list), arrangement and construction material of the inside of the mobile food unit including food preparation, storage and service window areas.

### **Menu:**

A Menu or list of all foods and beverages to be served shall be submitted for review and approval. Mobile foodservice units that serve only prepackaged no potentially hazardous foods are not required to obtain a permit or provide water, wastewater or commissary.

### **Description of Operation:**

A Description of Operation (in writing) of how you plan to operate your mobile food unit shall also be submitted. The description of operation shall include but not be limited to the following: whether food will be prepackaged only, main hours of operation, main area of operation (list stationary or leased area of operation if applicable), method(s) of serving food to customers, etc.

### **Commissary (central preparation facility):**

Mobile food units shall operate from a central preparation facility or other fixed food establishment and shall report to such location for supplies and for cleaning and servicing operations. The commissary or other fixed food establishment, used as a base of operation for mobile food units, shall be constructed and operated in compliance with the requirements of the Texas Food Establishment Rules. The owner of any mobile unit must provide verifiable documentation regarding the location of their central preparation facility to the Health District before a Health Permit may be issued. A copy of the commissary's Health Permit and most recent inspection report must be provided for the Health District's file if the commissary is not located within Galveston County. A letter verifying your access to commissary facilities must be submitted. A new letter is required every year. This information must be presented at your plan review session. The letter granting permission to use the central preparation facility should be submitted on the form provided.

### **Servicing area and operations:**

A mobile food unit servicing area shall be provided and include at least overhead protection for any supplying, cleaning or servicing operations except for those areas providing only for the loading of water and/or the discharge of sewage and other liquid waste, through the use of a closed system of hoses, need not be provided with overhead protection. Within this servicing area, a location provided for flushing and drainage of liquid wastes shall be separate from the location provided for water servicing and for the loading and unloading of food and related supplies. Speak to a Health District representative for further requirements of the servicing area. Note: Feel free to ask Health District personnel to review floor plans of prefabricated mobile food units or to look at an existing unit that you are contemplating purchasing. This will give you a general idea of how much work may be needed to get the unit permitted, if it is not acceptable as presented.

### **Food Service Plan Review:**

A Food Service Plan Review must be conducted prior to starting construction, remodeling, or renovations. A copy of the floor plans, menu, a description of the operation and central preparation facility letter (along with the inspection report and copy of central preparation facility permit) must be submitted for review and approval at this time. Appointments must be made in advance for plan reviews. There may be a \$100.00 plan review fee charged.

Contact other municipal departments (i.e. permits, zoning, etc.) for additional requirements. Each city in the county may have separate rules on vending from a mobile unit.

### **Pre-approval inspection:**

A Pre-approval inspection of your mobile food unit (upon your request) must be conducted by the Health District after all construction and remodeling is completed. An appointment for this inspection should be scheduled in advance. The unit must be clean and all equipment must be in place. Chemical test kit(s), appropriate metal stem thermometer(s), soap, and paper towels, etc. shall be provided at this time. Refrigerators to be used to store potentially hazardous foods must be turned on for inspection. Verification of the facility's ability to store potentially hazardous foods at a temperature of 41° F. or less must be confirmed. This inspection will list all corrections to be made prior to the final inspection. If no corrections are required the unit will be eligible for a food service permit

upon payment of the required fee. Once you have purchased your Food Service Permit, you may operate your mobile food unit according to the approved menu and description of operation. The Food Service Permit must be posted in a conspicuous place on the unit.

## **GUIDELINES FOR FOOD ESTABLISHMENT OPERATORS**

The following information is presented as a GUIDELINE ONLY to outline the primary requirements for a food establishment in Galveston County. Specific needs should be discussed with Health District Sanitarians.

Conveniently located refrigeration facilities or effectively insulated facilities shall be provided to assure the maintenance of all potentially hazardous food (if applicable).

Conveniently located hot food storage facilities shall be provided to assure the maintenance of food at the required temperature during storage (if applicable).

A three compartment sink shall be used for washing, rinsing and sanitizing of utensils and equipment. Sinks shall be large enough to permit the complete immersion of the utensils and equipment and each compartment of the sink shall be supplied with hot and cold potable running water (must be available on the unit and in central preparation facility, if applicable).

Drainboards or easily movable dish-tables of adequate size for the proper handling of soiled utensils prior to washing and for cleaned utensils following sanitization shall be provided at the three compartment sink.

Water System: The potable water system shall be installed to preclude the possibility of backflow. System shall be of sufficient capacity to furnish enough hot and cold water under pressure for food preparation, cleaning and sanitizing and handwashing, in accordance the requirements. Water inlet shall be capped when not being used to fill water tank. The system shall be enclosed and sloped to permit complete drainage of the tank. Check with a Health District Representative for further details.

Floor and floor coverings of all food preparation, food storage, and utensil-washing areas shall be constructed of smooth durable material such as durable grades of linoleum or plastic, or tight wood impregnated with plastic, and shall be maintained in good repair.

The walls, including non-supporting partitions, wall coverings, and ceilings of food preparation areas, food storage areas, and equipment-washing and utensil-washing areas shall be smooth, nonabsorbent, and easily cleanable.

Studs, joists, and rafters shall not be exposed in: food preparation areas, equipment and utensil-washing areas. Utility service lines and pipes shall not be unnecessarily exposed on walls or ceilings in these areas.

At least 50 foot candles of light shall be provided to all working surfaces and at least 20 foot candles of light shall be provided to all other surfaces and equipment in food preparation, utensil-washing, and hand washing areas, and in toilet rooms. At least 10 foot candles of light shall be provided in all other areas (if applicable).

Shielding to protect against broken glass falling onto food shall be provided for all artificial lighting fixtures located over, by, or within food storage, preparation, service and display facilities, and facilities where utensils and equipment are cleaned and stored (if applicable).

Ventilation system shall be installed and operated according to law.

Units stationed daily in a set location shall maintain all parts of the property used in connection with operations shall be free of litter (if applicable).

Toilet facilities shall be installed according to law, shall be the number required by law, shall be accessible to employees at all times (must be available in central preparation facility). Mobile units stationed in a set location must provide a letter verifying access to proper toilet facilities. These facilities must be conveniently located for the employees.

Handwashing sinks shall be at least the number required by law, shall be installed according to law and shall be located to permit convenient use by all employees in food preparation areas and utensil-washing area.

Each handwashing sink shall be provided with hot and cold water tempered by means of a mixing valve or combination faucet.

There shall be a sufficient number of containers to hold all garbage and refuse that accumulates.

Potable water servicing equipment shall be installed according to law and shall be stored in a way that protects the water and equipment from contamination.



Water under pressure at the required temperatures shall be provided to all fixtures and equipment that use water.

A facility shall be provided and used for washing all garbage containers. This facility shall be provided with hot water and detergent or steam for cleaning (must be available at central preparation facility, if applicable).

If liquid waste results from operation of the mobile food unit, the waste shall be stored in a permanently installed retention tank that is at least fifteen percent larger in capacity than the water supply tank.

The mobile food unit liquid waste retention tank, where used, shall be thoroughly flushed and drained during the servicing operations. All liquid waste shall be discharged to a sanitary sewerage disposal system.

Liquid waste shall not be discharged from the retention tank when the unit is in motion.

All connections on the vehicle for servicing mobile food unit waste disposal facilities shall be of a different size or type than those used to supply potable water to the mobile food unit. These connections shall be located lower than the water inlet. Food and containers of food shall not be stored under exposed or unprotected sewer lines or water lines.

Multi-use equipment and utensils shall be constructed and repaired with safe materials shall be corrosion resistant and nonabsorbent; and shall be smooth, easily cleanable, and durable under conditions of normal use.

All equipment and utensils, including plastic utensils, shall be designed and fabricated for durability under conditions of normal use and shall be resistant to denting, buckling, pitting, chipping, and crazing.

If additional information is required, please call our office. Thank you for your cooperation.

9850-D Emmett F. Lowry Expressway  
Texas City, TX 77591  
(409)938-2411

For information on the City of Galveston Peddling or Temporary Concession Permits contact:

City of Galveston  
Planning Department  
City Hall, 4th Floor  
823 Rosenberg  
P.O. Box 779  
Galveston, TX 77553  
(409)766-2106

Note: You must have a valid food service permit to obtain a City of Galveston Vending Permit.

**LETTER OF COMMISSARY**

Section 301.73.11.009(b)(1)(A) of the Texas Department of Health "Rules on Food Service Sanitation" states that **"Mobile food units shall operate from a commissary or other fixed food service establishment and shall report at least daily to such location for all supplies and for all cleaning and servicing operations."** In addition, all food products and supplies shall be stored in this facility at the end of the day's operation.

I am granting permission for my establishment to be used as a commissary for the mobile operation identified below. I understand that as a commissary, my facility and its equipment must be accessible to the mobile operator to comply with the regulation stated in the preceding paragraph.

**COMMISSARY INFORMATION**

COMMISSARY NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_ PHONE NO. \_\_\_\_\_

CITY \_\_\_\_\_ STATE \_\_\_\_ ZIP \_\_\_\_\_

OWNER NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_ PHONE NO. \_\_\_\_\_

CITY \_\_\_\_\_ STATE \_\_\_\_ ZIP \_\_\_\_\_

PERMISSION GRANTED BY \_\_\_\_\_ DATE \_\_\_\_\_

**MOBILE INFORMATION**

MOBILE UNIT NAME \_\_\_\_\_

VEHICLE DESCRIPTION: MODEL \_\_\_\_\_ MAKE \_\_\_\_\_

VEHICLE IDENTIFICATION NO. \_\_\_\_\_ LICENSE PLATE NO. \_\_\_\_\_

OWNER NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_ PHONE NO. \_\_\_\_\_

CITY \_\_\_\_\_ STATE \_\_\_\_ ZIP \_\_\_\_\_

SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

**NOTE: A COPY OF THE COMMISSARY PERMIT AND THE MOST RECENT INSPECTION SHEET ARE REQUIRED IN ADDITION TO THIS LETTER. THIS IS ONLY REQUIRED IF THE COMMISSARY IS NOT LOCATED WITHIN GALVESTON COUNTY. A NEW LETTER OF COMMISSARY MUST BE SUBMITTED EACH TIME YOUR HEALTH DISTRICT PERMIT IS RENEWED.**

## SUMMARY OF REQUIREMENTS OF BOLIVAR PENINSULA BEACH VENDING PERMIT POLICY

This is a summary only and does not contain all the information that a potential vendor should be informed of prior to submitting an application. Application packets must be requested from Galveston County Parks & Cultural Services Department  
4102 Main Street (FM 519), La Marque, Texas 77568 / (409) 934-8100.

1. The Commissioners' Court assigned responsibility for implementing the rules and administering the permit process to the Galveston County Parks & Cultural Services Department. Permit application packets will be evaluated for compliance with these rules, and permits will be issued under these rules, without the individual applications or permits being subject to Commissioners' Court approval.
2. The maximum length of time for a permit allowed by law is 2 years. A vending period begins March 1 of each even-numbered year and expires the last day of February of the subsequent even-numbered year.
3. The Bolivar Peninsula beaches are divided into three geographical zones with two different permit fee rates. The County has established a maximum number of permits for each zone. Yearly fees are required to be paid before the effective date of the permit (March 1<sup>st</sup>) for each year of the vending period.
  - a. Crystal Beach Zone – Permits available: 10, Fee: \$700/year.
  - b. North Beach Zone – Permits available: 8, Fee: \$350/year.
  - c. South Beach Zone – Permits available: 8, Fee: \$350/year.
4. The categories of permits within the 3 zones are:
  - a. food and drink sales;
  - b. sale of novelties, souvenirs, and other non-food items;
  - c. jet ski rentals; and
  - d. any other category established after review of the pool of permit applications for the upcoming or current vending period.
5. A permit to lease the occupancy of port-o-lets, purchase a horse drawn carriage ride, or to sell or lease surfboards and related equipment is not limited as to the territory over which the business establishment may operate.
6. The following information is required to complete the application form:
  - a. a completed application
  - b. a current Galveston County health certificate, if food or drink products are to be sold;
  - c. two recent color photographs of the vehicle or structure to be used for the vending business establishment, showing the driver's side, the passenger's side, and the license plate number of any vehicle and the front and back of any structure;
  - d. the applicant's sales tax number;
  - e. a copy of the applicant's assumed name certificate, if required under Chapter 36, Business & Commerce Code; and
  - f. the application fee of \$100 for each application.
  - g. Pinnacle drug test for any employees, or owner operators (at owners expense)

- h. DPS background check (at owners expense)
- i. Sworn, notarized statement that no owner or employee of the applicant has been convicted of a disqualifying offense under these regulations.

Other conditions apply and are noted in the policy itself. Each applicant is responsible for being familiar with that information prior to applying.

## **1. Introduction**

- 1.1 These rules established a system for the issuance of beach vending permits which authorize a permittee to sell or lease a commodity on public beaches that are not within the boundaries of a state park or an incorporated city. Permit procedures, fees, and requirements are specified in these rules.

## **2. Statutory Authority**

- 2.1 These rules are adopted by the Commissioners Court under the authority of Subchapter E, Chapter 61 of the Texas Natural Resources Code.

## **3. Considerations in Exercising Authority**

- 3.1 These rules are adopted and are to be administered in accordance with the legislative considerations set forth in Section 61.174 of the Natural Resources Code, that:
  - 3.1.1 the number of mobile business establishments receiving permits from the County should not constitute a substantial interference with the free and unrestricted rights of ingress and egress of the public to public beaches;
  - 3.1.2 the number of permits issued by the County are sufficient to ensure free and unrestricted competition in selling or leasing of commodities to the public; and
  - 3.1.3 no person should be allowed to operate any mobile business establishment on any public beach in restraint of trade or competition by which the person controls all or substantially all of the business establishments on the public beach that have been issued permits by the County.
- 3.2 Section 61.169 of the Natural Resources Code prohibits the County from issuing permits for business establishments located at a fixed or permanent location on a public beach. All business establishments must be mobile.

## **4. Definitions**

- 4.1 In these rules:
  - 4.1.1 “Beach vending permit” or “permit” means a permit issued under these rules.
  - 4.1.2 “Business establishment” means any structure or vehicle where any commodity, including memberships in any private club or similar organization, is offered to the public for sale or lease, but does not include any structure or vehicle where only services are offered to the public for sale.
  - 4.1.3 “Commissioners Court” means the Galveston County Commissioners Court.
  - 4.1.4 “County” means Galveston County, Texas.
  - 4.1.5 “Department” means the Galveston County Parks & Cultural Services Department.
  - 4.1.6 “Eligible application” means an application certified by the Director to comply with the requirements of Section 12.1.
  - 4.1.7 “Director” means the Director of the Parks & Cultural Services Department.

- 4.1.8 “Mobile” means vehicular in nature, on wheels, or of such nature that it is capable of moving or being moved for set-up after sunrise and removal from the beach area at sunset each day.
- 4.1.9 “Novelty” means a small, manufactured article intended mainly for personal or household adornment.
- 4.1.10 “Permittee” means a person who is granted a beach vending permit to operate a business establishment on a public beach under these rules.
- 4.1.11 “Public beach” has the meaning assigned by Section 61.001 of the Natural Resources Code.
- 4.1.12 “Sale or lease” or “sell or lease” includes offering any commodity in exchange for a price or other donation.
- 4.1.13 “Vending” means offering to sell or lease a commodity to the public from a business establishment.
- 4.1.14 “Vending period” means the two-year period beginning March 1st and ending the last day of February in the second following calendar year.
- 4.1.15 “Vendor” means a person who sells or leases commodities on a public beach from a business establishment.
- 4.1.16 “Zone” means one of the three Bolivar Peninsula beach zones designated by Section 6.1 of these rules.
- 4.1.17 “Zoned category” means one of the categories of operation described by Section 7.1 for which the permit is restricted to a designated zone.
- 4.1.18 “Zoned permit” means a beach vending permit other than a permit described by Sections 7.1 or 7.2 that is restricted to operations in a designated zone.
- 4.1.19 “Water activities” means any activity, or rental that involves the water and our guests.

## **5. Commissioners Court, Parks & Cultural Services Department, Director**

- 5.1 The Commissioners Court assigns responsibility for implementing these rules and administering the permit process to the Parks Department, its Director, and its staff. Permit application packets may be evaluated for compliance with these rules, and permits may be issued by the Director or Director-approved staff member under these rules, without the individual applications or permits being subject to Commissioners Court approval.
- 5.2 The Director may establish additional rules, procedures, and conditions necessary or appropriate to carry out the purposes of these rules.
- 5.3 The Department may make recommendations to the Commissioners Court regarding implementing or amending these rules.
- 5.4 The Commissioners Court retains oversight authority over the beach vending permit policy evidenced by these rules and the administration of the permit process.

## **6. Maximum Territorial Limits, Bolivar Peninsula Beach Zones**

- 6.1 Except for permits described by Sections 7.2, 7.3, or 7.4 of these rules each permit issued shall be limited to one of three zones, which three zones together comprise the public beaches on the Bolivar Peninsula, in Galveston County, Texas, not within the boundaries of a state park or an incorporated city. The three zones and their boundaries are the:
  - 6.1.1 Crystal Beach Zone, bounded on the southwest by an imaginary line drawn by projecting the center line of Alma Street to the Gulf of Mexico, and bounded on the northeast by an imaginary line drawn by projecting the centerline of Gulf Shores to the Gulf of Mexico; (Barrel 51½ - 75½ )
  - 6.1.2 North Beach Zone, bounded on the southwest by an imaginary line drawn by projecting the center line of Gulf Shores to the Gulf of Mexico, and bounded on the northeast by the Chambers County line; (Barrel 75½ - County Line) and
  - 6.1.3 South Beach Zone, bounded on the northeast by an imaginary line drawn by projecting the center line of Alma Street to the Gulf of Mexico, and bounded on the southwest by the Texas Department of Transportation Highway 87 ferry landing. (Barrel B1- 51½).

## **7. Permit Categories, Prohibited Activities**

- 7.1 The categories for zoned permits, which do not include the surfboard and related equipment, portable toilet, or horse-drawn carriages categories described in Sections 7.2, 7.3, or 7.4 are:
  - 7.1.1 food and non-alcoholic beverage sales including ice sales;
  - 7.1.2 sale of novelties, souvenirs, and other non-food or non-alcoholic beverage items;
  - 7.1.3 jet ski rentals; and
  - 7.1.4 any other category established by the Director after review of the pool of permit applications for the upcoming or current vending period.
- 7.2 Pursuant to Section 61.173(b), Natural Resources Code, a permit to sell or lease only surfboards and related equipment may not be limited as to the territory over which the business establishment may operate. Related equipment for surfboards is as follows: Paddles, Paddle Boards, Skim Boards, Kayaks, Boogie Boards, Floats, Flippers, Water Bikes, and Water Trikes.
- 7.3 A permit to lease the occupancy of portable toilets is not limited as to the territory over which the business establishment may operate. A permit will not be issued for a business establishment that operates more than nine portable toilets.
- 7.4 A permit to sell horse-drawn rides is not limited as to the territory over which the business establishment may operate. A permit will not be issued for a business establishment that operates more than six horse-drawn carriages.
- 7.5 Prohibited Categories:
  - 7.5.1 Alcohol—According to the Texas Alcoholic Beverage Commission (“TABC”), generally, licenses will not be approved for mobile business establishments.

Therefore, the County will not issue permits to sell alcoholic beverages through the beach vending program.

7.5.2 Firearms, Ammunitions, and Explosives—According to the Bureau of Alcohol, Tobacco, and Firearms (“BATF”), permits for the sale of firearms, ammunition, or explosives will not be approved for mobile business establishments. Therefore, the County will not issue permits to sell firearms, ammunition, or explosives through the beach vending program.

7.5.3 Fireworks (pyrotechnic devices)—According to the Texas State Fire Marshal, permits for the sale of fireworks will not be approved for mobile business establishments. Therefore, the County will not issue permits to sell fireworks through the beach vending program.

7.6 Accepting monetary donations are not allowed on the Bolivar Peninsula. If money is exchanging hands for any good or service you must have a vendors permit. Exceptions could be made for a 501(c)(3) tax-exempt organization. The discretion will be left up to the Director of Parks & Cultural Services.

## **8. Maximum Number of Zoned Permits, Allocation of Zoned Permits Among Categories.**

8.1 The total number of zoned permits that may be issued at the beginning of a vending period or that may be in effect at any time during the vending period is limited to a maximum of:

8.1.1 10 permits for the Crystal Beach Zone;

8.1.2 8 permits for the North Beach Zone; and

8.1.3 8 permits for the South Beach Zone.

8.2 The maximum total number of permits for a zone shall be allocated among the zoned categories. For each type of business that sells similar products there will be a limit of two per zone. For example, two permits may be issued for snow cone vendors in the Crystal Beach Zone. The same applies for the North Beach Zone and the South Beach Zone.

8.3 Either the Director or Director-approved staff member shall perform the initial allocation for a vending period after the application deadline and before permits are issued for that vending period. The Director or Director approved staff member may adjust the allocation as required during the vending period to reflect the interest in categories for replacement permits.

8.4 A maximum of one permit per zone may be issued to any individual or entity, regardless of category.

8.5 No preference or other consideration will be given with regard to status as a previous or current permit holder or any other status.

8.6 Snow cone vendors and pre-packaged ice-cream vendors are considered separate businesses. The vendor will need to indicate which business they intend on operating on their application for a permit.

## **9. Term of Permit, Vending Period**

9.1. A permit is valid for one two-year vending period. A vending period begins March 1st of each even-numbered year and expires the last day of February of the subsequent even-numbered year.



## 10. Application For Permit, Payment By Cashier's Check or Money Order

- 10.1 An applicant for a beach vending permit must complete and submit an application packet. The application packet becomes available during each odd-numbered year on October 1st. The deadline for submission of the application packet is January 1st of each even-numbered year. Applications will not be accepted after the deadline. The application packet must include:
- (a) the name and street address of the applicant;
  - (b) the commodity to be sold or leased;
  - (c) the zone in which the business establishment is applying to operate, if the application is for a zoned category;
  - (d) personal history information;
  - (e) financial history of the proposed business; and
  - (f) business references;
  - (g) the applicant's sales tax number;
  - (h) a current Galveston County Health Certificate, if food or drink products are to be sold. If proof of a Galveston County Health Certificate is not received within three business days of the expiration, the vendor's permits will be voided. As a Bolivar Beach vendor it is your responsibility to keep your County Health Certificate up to date and to keep Galveston County informed;
  - (i) two recent color photographs of the vehicle or structure to be used for the vending business establishment, showing the driver's side, the passenger's side, and the license plate number of any vehicle and the front and back of any structure;
  - (j) the appropriate application fee; and
  - (k) a notarized sworn statement by the applicant that the applicant nor the applicant's employees, agents, or any other individual acting for or on behalf of the applicant's proposed business have been convicted of any of the offenses listed in Section 12.6(a).
  - (l) A statement certifying that all of the contents of the application and included materials are true and correct under the penalty of perjury as defined under Section 37.02 of the Texas Penal Code. Any misrepresentation made by the Applicant on the application for a beach vending permit is a third-degree felony offense, as defined under Section 37.10 of the Texas Penal Code.
- 10.2 After the permit allocation takes place, selected vendors must provide the following information before any permits will be issued:
- (a) proof of current vehicle liability insurance and current general liability insurance, showing Galveston County as additional insured, in the minimum amounts of \$100,000 per injury, \$300,000 per occurrence, and \$100,000 property damage. Insurance must be valid for the entire vending period. If proof of insurance is not received within three business days of the

expiration, the vendor's permits will be voided. As a Bolivar Beach vendor it is your responsibility to keep your insurance up to date and Galveston County informed;

(b) a copy of the applicant's assumed name certificate, if required under Chapter 36 of the Business & Commerce Code; and

(c) any other certificates, permits, or licenses required for the sales of a specific product.

10.3 Applications can be dropped off in person during normal business hours, or mailed to:

**Rufus G. Crowder, CPPO CPPB**  
**Purchasing Agent**  
**County of Galveston**  
**Attn: Bolivar Beach Vending**  
**722 Moody Avenue (21st Street), Fifth (5th) Floor**  
**Galveston, TX 77550**

**The time stamp clock located in the Purchasing Agent's office shall serve as the official time keeping piece for this process. Any proposals received after the January 1st deadline will be returned unopened.**

10.4 A cashier's check or money order for an application fee is to be made payable to "Galveston County". The County discourages payments made in cash.

10.5 Applications cannot be dropped off or post marked before October 1st on odd- numbered years.

## **11. Application Fees**

11.1 The application fee for each separate permit application is \$100.00.

11.2 In addition to the application fee, a permittee must pay a yearly operating fee as required by Section 13 of these rules.

11.3 If an application for a permit is not granted, the Department shall return the application fee to the applicant.

11.4 The application fee and the yearly operating fee may be used by the County to pay the expenses of carrying out the provisions of Subchapter E, Chapter 61 of the Natural Resources Code.

11.5 An applicant must submit a separate application packet and application fee for each permit it seeks in each category in which it seeks to operate. A permit is only valid for a single business establishment as described in the application packet. An applicant is not eligible for more than one permit per zone.

11.6 If an applicant applies for and is approved to receive two or three permits for identical categories in different zones, the applicant may choose which zone or zones it prefers for its business and waive all but one of the permits approved for issuance to the applicant. The waiver must be in writing and delivered to the Director not later than the 5th day after the date the applicant receives notice that its multiple applications have been approved. The filing fee for an application that was approved but waived by the applicant in accordance with this section shall be returned to the applicant.

## **12. Eligibility For Permit Approval And Award, Waiting List**

- 12.1 The Director or Director-approved staff member shall certify an application as eligible for issuance of a permit, subject to the limitations on the maximum number of permits that may be issued and the allocation among categories under Section 8, if the Director or Director-approved staff member finds that:
  - 12.1.1 the applicant has complied with the requirements of these rules;
  - 12.1.2 issuance of the applicant's permit would be consistent with recreational needs and the public welfare; and
  - 12.1.3 the applicant's business establishment would not create a traffic or safety hazard.
- 12.2 Applicants are chosen on a first come first serve basis. Applications will be received by the purchasing department and time stamped in the order of which they are received.
- 12.3 If the number of eligible applicants (time stamped the same date and time) for one category of permits for a zone exceeds the number of zoned permits allocated for issuance in that category, the Director shall select the applicants to be issued zoned permits in that zoned category by drawing lots.
- 12.4 If lots are drawn, the names of the applicants with eligible applications not selected in the drawing shall be placed by the Director or Director approved staff member on a waiting list for that category and zone. If more than one unselected applicant exists for a category and zone, the order of priority on the waiting list shall be determined by drawing lots. Names of other parties expressing an interest in that category and zone may be added to the waiting list during the vending period in the order in which the names are received by the Director or Director-approved staff member. If a replacement permit is to be issued under Section 14 for that category and zone, priority shall be given to the parties named on the waiting list, in the order in which their names appear on the list. A party on the waiting list who fails to respond to a request to submit a complete application packet within one week of being notified that a replacement permit is to be issued may be removed from the waiting list.
- 12.5 Preferences shall not be given to any applicant based on status as a previous or current permit holder or any other status.
- 12.6 An application for a beach vending permit shall be denied upon a finding by the Director of any of the following:
  - (a) An applicant or other owner of the proposed business establishment has previously violated or been convicted of any level of offense for the following:
    - (1) An Offense Against the Person, as described in Title 5 of the Texas Penal Code;
    - (2) An Offense Against the Family, as described in Chapter 25 of the Texas Penal Code;
    - (3) An Offense Against Property, as described by Chapters 28-32 and 34 of the Texas Penal Code;
    - (4) Harassment or Stalking as described by Chapter 42 of the Texas Penal Code;
    - (5) An Offense of Public Indecency as described by Chapter 43 of the Texas Penal Code;and

(6) Any other Crime of Violence not listed herein, as described in Chapter 59 of the Texas Code of Criminal Procedure.

(b) An applicant makes a misleading statement in the application for a beach vending permit, provides false, fraudulent, or untruthful information in the application for a beach vending permit, or withholds pertinent information from the application for a beach vending permit;

(c) An applicant is under eighteen (18) years of age;

(d) An applicant has had a beach vending permit revoked during the current vending period;

(e) An applicant is delinquent in the payment to the County of taxes, fees, fines, or penalties assessed or imposed upon, regarding the business for which the beach vending permit is issued;

12.6.1 If the Director denies an application for a beach vending permit, the Director must document the denial and provide notice to the applicant. Such notice must provide the reason(s) for the denial.

### **13. Yearly Operating Fee**

13.1 A permittee must pay a yearly operating fee to the Department from the effective date of the permit through September for each year of the vending period, regardless of what month the permittee actually begins operations. The amount of the yearly operating fee is:

13.1.1 \$700.00 for a permit for the Crystal Beach Zone;

13.1.2 \$350.00 for a permit for the North Beach or South Beach Zones;

13.1.3 \$700.00 for a permit for surfboard sale or rentals;

13.1.4 \$700.00 for a horse-drawn carriage permit; and

13.1.5 \$350.00 for a permit for portable toilets.

13.2 The yearly operating fee is due on the effective date of the permit. A permittee whose zoned permit is revoked is not entitled to a refund of previously paid yearly operating fee or application fee.

### **14. Replacement Permit for Zoned Categories**

14.1 A replacement permit in a zoned category may be issued for a specific zone if during the vending period if the Director revokes a permit in that category for that zone.

14.2 An applicant for a replacement permit to be issued during the vending period is not subject to the January 1st application deadline. The applicant will instead incur a prorated operating fee which is due on the effective date of the permit through September. A replacement permit is valid for the remaining term of the current vending period.

### **15. Amendment of Permit**

15.1 Permits may not be amended once they are issued. A permittee wishing to amend their permit must submit a new application form, as well as a cashier's check or money order in the amount of \$100.00 as an application fee.

## 16. Revocation of Permit

- 16.1 The Director shall have the authority to revoke a beach vending permit if one (1) or more of the following events have occurred:
- (1) A permittee commits or is convicted of any level of offense described in Section 12.6(a) of these rules;
  - (2) The permittee made a misleading statement in the application for the beach vending permit, provided false, fraudulent, or untruthful information in the application for the beach vending permit, or withheld pertinent information from the application for the beach vending permit;
  - (3) The beach vending permit should not have been issued pursuant to these rules;
  - (4) An owner, employee, agent, or any other individual acting for, or acting on behalf of the business has violated any offense described in Section 12.6(a) of these rules; or
  - (5) A permittee, owner, employee, agent, or any other individual acting for, or acting on behalf of the business commits any violation of any section of these regulations.
- 16.2 If any of the events stated in Section 16.1 have occurred, providing a basis for revoking a beach vending permit, the Director must document the event and must provide notice to the permit holder of the upcoming revocation. Such notice must provide the reason(s) for the revocation. The revocation of a permit is not effective until notice is delivered by mail to the address of the permittee listed on the application for the permit, as required by Section 61.172 of the Natural Resources Code.
- 16.2.1 In lieu of revoking a beach vending permit for a zoning violation or for other violations of these rules, unless stated otherwise, the Director may issue up to one (1) written warning prior to revoking the permit.
- 16.2.2 In lieu of revoking a beach vending permit for a performance violation, the Director may issue up to two (2) written warnings prior to revoking the permit. Performance violations include: insurance lapse, health certificate lapse, and expired license.
- 16.2.3 A permittee who violates or is convicted of any level of offense described in 12.6(a) will not receive a written warning. Such permit will be revoked automatically upon the receipt of the notice by the permittee. Such conditions of revocation may affect the permittee's ability to obtain future permits with Galveston County.
- 16.3 A record of each violation must be documented and retained by the Director.
- 16.4 The failure or refusal of a permittee to comply with the terms and conditions stated on the face of a permit or in these rules may operate as an immediate termination and revocation of all rights conferred in or claimed under the permit.
- 16.5 A permittee whose permit is revoked is not entitled to a refund of any previously paid yearly operating fees or application fees.

## 17. Denial, Revocation, or Suspension of Permit

- 17.1 If the Director denies a beach vending permit application or revokes a beach vending permit, the applicant or permittee shall have the opportunity to make a written request for a hearing before a hearing examiner to appeal the action. The hearing examiner shall be appointed by the Commissioners Court and must not have participated in any of the alleged grounds for the denial or revocation.
- 17.2 All requests for such hearings must be made in writing and delivered to the Director within fourteen (14) days of receiving notice. The applicant or permittee waives the right to an appeal hearing if the request is not received timely by the Director.
- 17.3 The appeal hearing must be held within forty-five (45) days of Director's receipt of the applicant or permittee's request for the hearing. The applicant or permittee and the Director shall be provided the opportunity to present evidence, cross-examine witnesses, and be represented by legal counsel at the appeal hearing. The formal rules of evidence do not apply to such hearings.
- 17.4 It shall be the responsibility of the applicant or permittee to incur the cost of and to provide a court reporter if one is desired. It shall also be the responsibility of the applicant or permittee to incur the cost of and to provide an interpreter if one is necessary.
- 17.5 All involved parties must be physically present at the hearing. If the applicant or permittee is not physically present at the hearing, the applicant or permittee effectively waives their right to the hearing and the Director's decision to deny or revoke the permit shall be upheld.
- 17.6 The hearing examiner has the power to uphold or reverse the denial or revocation of the permit. Upon the conclusion of the hearing, the hearing examiner shall review the facts and evidence presented and shall issue a written order within twenty-one (21) days of the hearing.
- 17.8 If the hearing examiner determines that these Rules have been violated, the Director's decision to deny or revoke the permit shall be upheld.
- 17.9 The hearing examiner's decision may be appealed by filing a petition in the district court with competent jurisdiction within thirty (30) days of the issued order. Appeals to the district court will be governed by the substantial evidence rule described in Section 2001.174 of the Texas Government Code

## 18. Operation During Pendency of Appeals to District Court

- 8.1 If the permittee's appeal to the hearing examiner to reverse the revocation of the beach vendor permit is not successful, the permittee shall not operate such business establishment during the pendency of the appeal to the district court.
- 18.2 If the permittee's appeal to the hearing examiner to reverse the revocation of the beach vending permit is successful, the permittee may resume operation of such business establishment immediately and may continue to operate during the pendency of the appeal to the district court.
- 18.3 If the applicant's appeal to reverse the denial of the beach vending permit is unsuccessful, such business establishment shall not operate during the pendency of the appeal to the district court.

## 19. General Conditions

- 19.1 Permits will not be issued for fixed or permanent business establishments.

- 19.2 Business may be conducted ONLY from mobile business establishments and only upon the area of public beach within the jurisdiction of the County from the line of mean low tide to the natural vegetation line on Bolivar Peninsula and within the boundaries of Galveston County. Subject to the restrictions of the permit the permittee is operating under and the restrictions of Section 19.13. and 20.3, each permittee is entitled to daily select the location of its mobile business establishment on a first come, first served basis. All permit holders must remove all materials, facilities, and vehicles used in conjunction with their operations at sunset each day and will be permitted to set up again after sunrise the following day. During large events exceptions can be made but they must be approved by the Director or Director-approved staff member.
- 19.3 A mobile business establishment may not block any access road to the beach
- 19.4 A mobile business establishment may not locate on or, in the case of a mobile business using a moving vehicle, stop for business transactions in such a manner as to block established linear traffic routes upon the beach in a generally northeast/southwest direction.
- 19.5 Permit holders, with the exception of surfboard, horse-drawn carriage, and jet ski rentals, must limit the amount of space used by their operation to a maximum radius of five feet beyond the vehicle or structure from which they are operating. Surfboard, horse-drawn carriage, and jet ski rental permit holders must limit the amount of space used by their operation to a maximum radius of 20 feet beyond the vehicle or structure from which they are operating.
- 19.6 A vendor must abide by all laws and regulations of the United States of America, the State of Texas, the Texas Parks and Wildlife Department, and the County of Galveston.
- 19.7 A vendor may operate only the type of business described in its permit.
- 19.8 A vendor must provide garbage receptacles for any refuse generated as a result of its beach vending activities and by members of the public who purchase or lease from the vendor. A garbage receptacle must be located within 20 feet of the business establishment. A vendor is responsible for daily removal of garbage it or its customers generate. Removal may be satisfied by removing garbage from each location at which the vendor operates by the vendor: (1) removing the garbage from the Bolivar Peninsula public beach area; (2) disposing of the garbage at Peninsula Waste Management on Noble Carl Road in Crystal Beach; or (3) contracting with a licensed waste removal company. On request the permittee must show proof of a contract with a licensed waste removal company or file a report of its garbage removal procedures.
- 19.9 A vendor must mark on or otherwise identify its licensed mobile business establishment with the permittee's company name or assumed name, as listed in its application. **The name must be plainly visible to the public from at least two sides of the mobile business establishment. A mobile business establishment may not have any detached signs. All advertising and identification signs must be permanently attached to or painted on the mobile business establishment as described in the application packet.**
- 19.10 **A vendor must prominently display its permit so that it is plainly visible to the public from at least one side of the mobile business establishment.**
- 19.11 A vendor may not conduct business between the hours of sunset and sunrise, unless different hours of operation are specifically approved in the vendor's permit.
- 19.12 A vendor may not sell or distribute glass containers or any commodity in a glass container.

- 19.13 A vendor may not conduct business from a stationary location within 50 yards of another stationary beach vendor operating under the same category of permit. A vendor may not conduct business from a location within 0.5 mile of a permanent business established and operating at a location adjacent to the public beach.
- 19.14 The vendor or permittee must maintain or comply with the criteria or standards set by these rules for the issuance of the permit during the term of the permit.

## **20. Additional Requirements for Water Activities**

- 20.1 A permittee receiving a permit for water activities comply with the requirements of this section not later than the 30th day after date of issuance of the permit, but prior to the beginning of operation of business, the water activities permittee must file a safety plan with the following parties at the address indicated below:

**Galveston County Parks Department  
PO Box 1679  
Crystal Beach, TX 77650  
Attn: Bolivar Beach Sticker Supervisor**

**Galveston County Sheriff  
601 54th Street  
Galveston, Texas 77551**

- 20.2 The safety plan must include:
- 20.2.1. an assurance that all riders will wear Coast Guard approved life jackets;
  - 20.2.2. a copy of instructions that the vendor intends to provide to each rider, which instructions must conform to state and local law concerning the operation of watercraft with an emphasis on safety of swimmers in nearby waters;
  - 20.2.3. an assurance that markers or buoys will be placed, designating the area where riding is allowed;
  - 20.2.4. a description of a rescue procedure for riders with non-operational equipment due to damage or mechanical failure or for injured riders unable to control the craft and safely return to shore; and
  - 20.2.5. a description of the vendor's procedure for medical care of injured riders.
- 20.3 A vendor operating under a water activities permit may not conduct business from a location within 0.5 mile of another water activities permittee's business establishment and must not interfere with private water activities.
- 20.4 A vendor operating under a water activities permit must comply with all state laws applicable to the operation of motor craft.

## **21. Penalties and Enforcement**

- 21.1 Section 61.177, Natural Resources Code, provides that a person, who for himself or on behalf of or under the direction of another person, operates any business establishment, whether mobile or at a



fixed or permanent location, on any public beach outside the boundaries of any incorporated city without first obtaining a license to operate the business establishment from the county shall be fined not less than \$10 nor more than \$200.

- 21.2 Any law enforcement agency with geographical jurisdiction within the area affected by these rules is authorized to enforce these rules. The Director may request the Texas Parks and Wildlife game wardens to assist with enforcement of these rules, pursuant to Section 61.178, Natural Resources Code.