

**ORDINANCE NO. 13-062**

**AN ORDINANCE OF THE CITY OF GALVESTON, TEXAS, AMENDING THE CODE OF THE CITY OF GALVESTON 1982, AS AMENDED, CHAPTER 19, "LICENSES, PERMITS, AND BUSINESS REGULATIONS", ARTICLE III, "PEDDLERS AND TEMPORARY CONCESSIONS", SECTION 19-55.5(b), "NUMBER OF PERMITS, EXPIRATION, FEES" RELATING TO TEMPORARY CONCESSIONS IN THE SAENGERFEST PARK AREA; ESTABLISHING AN EXPIRATION DATE OF DECEMBER 31ST OF EACH YEAR FOR ALL PERMITS; AUTHORIZING A PRO-RATED FEE FOR PERMITS ISSUED FOR LESS THAN 12 MONTHS; REORGANIZING THE SUBSECTION FOR CLARITY; PLANNING CASE NUMBER 13PA-53; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND PROVIDING FOR AN EFFECTIVE DATE.**

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**WHEREAS**, the area known as "Saengerfest Park" is located on the northwest corner of The Strand and 23rd Street and is owned by Mitchell Historic Properties (MHP); and

**WHEREAS**, MHP and the City of Galveston regulate the vendors in Saengerfest Park; and

**WHEREAS**, in order to improve efficiency in the vendor permitting process, MHP has requested that all vendor permits expire on December 31st of each year rather than 12 months from the issuance of a permit; and

**WHEREAS**, the proposed changes also allow for a pro-rated fee for vendor permits issued for less than 12 months; and

**WHEREAS**, Staff recommends the proposed requests in addition to minor reorganization of the subsection as outlined in the Staff Report attached hereto as **Exhibit 1**; and

**WHEREAS**, on November 4, 2013, the Landmark Commission voted to approve the Staff's requested changes; and

**WHEREAS**, the Galveston City Council finds it in the public interest to adopt the recommendations by amending Chapter 19, "Licenses, Permits, and Business Regulations", Article III, "Peddlers and Temporary Concessions", Section 19-55.5(b) "Number of permits, expiration, fees" relating to temporary concessions in the Saengerfest Park Area.

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

**SECTION 1.** The findings and recitals set out in the preamble to this Ordinance are found to be true and correct and they are adopted by the City Council and incorporated as part of this Ordinance for all purposes.

**SECTION 2.** The City Code Chapter 19, “Licenses, Permits, and Business Regulations”, Article III, “Peddlers and Temporary Concessions”, Section 19-55.5(b), “Number of permits, expiration, fees” be amended to read as follows:

“Sec. 19-55.5. Temporary Concessions in the Saengerfest Park Area.

\* \* \* \* \*

(b) *Number of permits, expiration, fees.*

- (1) The city shall not issue more than a total of six (6) permits to entertainment vendors, food vendors, merchandise vendors, personal services vendors, valet parking vendors, or any combination thereof.
- (2) ~~Each permit shall be valid for a period of one (1) year from the date of issuance. The permit shall pertain to a specific location assigned to the vendor.~~
- (3) ~~The permit shall pertain to a specific location assigned to the vendor. Vendor permits shall not be valid during Mardi Gras festivities, Dickens on the Strand, Lone Star Biker Rally, or other city sanctioned special events conducted in the Strand/Mechanic Historic District.~~
- (4) ~~A permit shall expire twelve (12) months from the date of issuance and shall not be automatically renewed. A vendor wishing to continue the temporary concession shall apply for a new permit as set forth in the “permit application process” below. Each permit shall be valid for a period of one (1) year from the date of issuance, except in the case where an initial permit is issued during the calendar year in which case it shall expire on December 31st of that year.~~
- (5) ~~Vendor permits shall not be valid during Mardi Gras festivities, Dickens on the Strand, Lone Star Biker Rally, or other city sanctioned special events conducted in the Strand/Mechanic Historic District. All permits shall expire on December 31st of each year and shall not be automatically renewed. A vendor wishing to continue the temporary concession shall apply for a new permit as set forth in the “permit application process” below.~~
- (6) The applicant shall pay a temporary concession permit fee to the City of Galveston of two hundred dollars (\$200.00) per year. The fee may be pro-rated for permits valid for less than 12 months.

\* \* \* \* \*

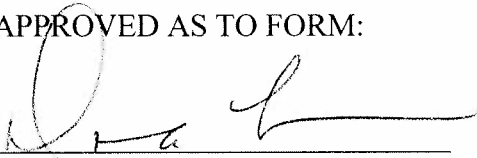
**SECTION 3.** It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or 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.** 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 6.** This Ordinance shall be and become effective from and after its adoption and publication in accordance with the provisions of The Charter of the City of Galveston.

APPROVED AS TO FORM:

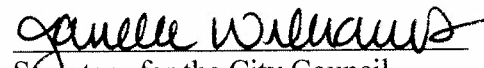


DONNA M. FAIRWEATHER  
CITY ATTORNEY

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 the 21st day of November, 2013, 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 26 day of November, 2013.




  
Secretary for the City Council  
of the City of Galveston

# MEMORANDUM

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**TO:** Mayor Rosen and City Council Members

**FROM:** Catherine Gorman AICP, Assistant Director/HPO   
Planning Department

**DATE:** November 5, 2013

**RE:** **13PA-53** Consider for action to amend Chapter 19, Section 19-55.5 of the City Code of Galveston, to address the permitting process for Saengerfest Park Temporary Concessionaire Permits.  
Applicant: Planning Department

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## BACKGROUND

Mitchell Historic Properties (MHP), the owner of Saengerfest Park, has requested modifications to the vendor permitting process at the park. In order to provide more efficiency, MHP would like all of the vendor permits to expire at the end of the calendar year. The regulation of vendors in Saengerfest Park is shared by MHP and the City of Galveston. This case will provide the required modifications to City Code in order to allow for MHP's changes.

## ANALYSIS

Staff is proposing to update the City Code, Chapter 19, Section 19-55.5 to reflect changes to the permitting process requested by MHP. Currently, all permits are issued for one year and expire on the date of issuance. MHP would like all permits to expire on December 31<sup>st</sup>. The proposed changes also allow for prorated fees in cases in which a permit is issued within the calendar year. Staff is also proposing some minor reorganization of Section 19-55.5(b), to more clearly group related items.

## LANDMARK COMMISSION

The regulation of vendor permits in Saengerfest Park is regulated by City Code Section 19-55.5. Changes to City Code are reviewed and approved by the City Council. While a recommendation to the City Council from the Landmark Commission is not required, Staff felt that it was appropriate for the Landmark Commission to review and comment on the proposed changes due to the fact that Saengerfest Park is located in the Strand/Mechanic Historic District. At the November 4, 2013 meeting, the Landmark Commission recommended approval of this request. The vote was six in favor and one abstention.

## STAFF RECOMMENDATION

Staff recommends approval of this request as submitted.

## ATTACHMENTS

“A” – City Code Amendments – Proposed Changes

xc: File

**Sec. 19-55.5. - Temporary concessions in the Saengerfest Park area.**

**Current Regulations:**

(b) Number of permits, expiration, fees.

- (1) The city shall not issue more than a total of six (6) permits to entertainment vendors, food vendors, merchandise vendors, personal services vendors, valet parking vendors, or any combination thereof.
- (2) Each permit shall be valid for a period of one (1) year from the date of issuance.
- (3) The permit shall pertain to a specific location assigned to the vendor.
- (4) A permit shall expire twelve (12) months from the date of issuance and shall not be automatically renewed. A vendor wishing to continue the temporary concession shall apply for a new permit as set forth in the "permit application process" below.
- (5) Vendor permits shall not be valid during Mardi Gras festivities, Dickens on the Strand, Lone Star Biker Rally, or other city sanctioned special events conducted in the Strand/Mechanic Historic District.
- (6) The applicant shall pay a temporary concession permit fee of two hundred dollars (\$200.00) per year.

**Proposed Regulations – Changes Tracked:**

(b) Number of permits, expiration, fees.

- (1) The city shall not issue more than a total of six (6) permits to entertainment vendors, food vendors, merchandise vendors, personal services vendors, valet parking vendors, or any combination thereof.
- (2) The permit shall pertain to a specific location assigned to the vendor.
- (3) Vendor permits shall not be valid during Mardi Gras festivities, Dickens on the Strand, Lone Star Biker Rally, or other city sanctioned special events conducted in the Strand/Mechanic Historic District.
- (4) Each permit shall be valid for a period of one (1) year from the date of issuance, except in the case where an initial permit is issued during the calendar year in which case it shall expire on December 31 of that year.
- (5) ~~A permit shall expire twelve (12) months from the date of issuance~~ All permits shall expire of December 31<sup>st</sup> of each year and shall not be automatically renewed. A vendor wishing to continue the temporary concession shall apply for a new permit as set forth in the "permit application process" below.
- (6) The applicant shall pay a temporary concession permit fee to the City of Galveston of two hundred dollars (\$200.00) per year. The fee may be pro-rated for permits valid for less than 12 months.