

**NOTICE OF MEETING
CITY COUNCIL
OF THE CITY OF GALVESTON
THURSDAY, MAY 22, 2025 - 9:00 AM
ROOM 204 - CITY HALL
823 ROSENBERG, GALVESTON, TEXAS
TELEPHONE: (409) 797-3510**

WORKSHOP AGENDA

- 1 DECLARATION OF A QUORUM AND CALL MEETING TO ORDER
- 2 ROLL CALL
- 3 DISCUSSION ITEMS
 - 3.A Clarification Of Consent And Regular City Council Agenda Items - This Is An Opportunity For City Council To Ask Questions Of Staff On Consent And Regular Agenda Items (1 Hour)
 - 3.B Pelican Island Bridge Update (D Buckley/D Glywasky - 10 min)
 - 3.C Discussion of the Status of the Park Board Hot Tax Audits and the timeliness of the Park Board's Response (C. Brown/Robb/G. Bulgherini - 20 min)
 - 3.D Discussion on the violations of the Open Meetings Act and Public Information Act by the Galveston Park Board of Trustees (Porretto/C. Brown - 15 min)
 - 3.E Discussion of Park Board Appointments (C. Brown - 15 min)
 - 3.F Update and Discussion of the Terms, Conditions and Zoning Details of the Conveyance of the Rosenberg Property (B Brown/C Brown - 15 min)
 - 3.G Discussion of the Consultant's Comprehensive Plan Scope of Work as it Relates to Public Engagement (B Brown/C Brown - 15 min)
 - 3.H Discussion of Stewart Beach Parks Master Plan/Developer Proposal and Public Input Structure (D. Anderson - 30 min)
 - 3.I Discussion of Updated Development Policies/Incentives and Expanded 380/TIRZ Agreement Structures (M Hay - 40 min)
 - 3.J Discussion of the Possible Development of a City of Galveston Marine Safety Department (C. Brown - 30 min)

3.K Discussion of Short term Rentals: (C. Brown/B. Brown/ D. Glywasky - 45 min)

1. Short Term Rental Committee's Status Report and Fiscal Recommendations
2. Use of Registration Fee Revenue
3. Rental Platform Contracts
4. New Ordinance Concerning Permitting and Enforcement

3.L Discussion of Private Beach Ownership and Beach Vendor Agreements (D. Glywasky/T. Tietjens - 20 min)

3.M Discussion of the Enforcement of the City of Galveston's Litter Ordinance (Porretto/C Brown - 15 min)

3.N Discussion of Consultant's Findings as they Relate to Drainage Regulations (R. Weinicke - 20 min)

3.O Discussion of joint meetings between City Council and Planning Commission (Porretto/Rawlins - 10 min)

4 ADJOURNMENT

I certify that the above Notice of Meeting was posted in a place convenient to the public in compliance with Chapter 551 of the Texas Government Code on 5/16/2025 at 12:00 PM.

Janelle Williams

Janelle Williams, City Secretary

In accordance with the provisions of Americans With Disabilities Act (ADA), persons in need of special accommodation to participate in this proceeding shall, within three (3) days prior to any proceeding, contact the City Secretary's Office, Suite 201, 823 Rosenberg, Galveston, Texas 77550 (409-797-3510).

One or more members of the City Council may attend the meeting by videoconference. A quorum of the members of the City Council will be physically present at the meeting location.

ORDINANCE NO. 25 - ____

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 VI, "SHORT TERM RENTALS" IN ITS ENTIRETY TO PROVIDE CLARIFICATION OF REGULATIONS, DEFINITIONS AS APPLICABLE, FINES AND FEES AS APPLICABLE ; MAKING VARIOUS FINDINGS AND PROVISIONS RELATING TO THE SUBJECT AND PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, staff reviewed Chapter 19 of the City Code, and recommends amending regulations pertaining to short term rentals to provide clarification, definitions, and to provide for applicable fees and fines; and,

WHEREAS, the explosive growth of the Short Term Rental Industry has had an impact on the City of Galveston and, while many owners and operators attempt to ensure compliance with statutes and city code provisions, there are operators who require a more robust approach to comply with code provisions promulgated to preserve the public peace, cleanliness and orderly traffic and parking control through a system of enforcement; and,

WHEREAS, while the City issues licenses to operate Short Terms Rentals within the City, proper enforcement of City Code provisions must allow for the revocation of licenses under certain circumstances after affording appropriate substantive and procedural due process to errant holders of such licenses; and,

WHEREAS, the City Council of the City of Galveston, Texas, deems it in the public interest to amend Chapter 19, "Licenses, Permits and Business Regulations", Article VI, "Short Term Rentals", as provided below.

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

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

SECTION 2. The Code of the City of Galveston 1982, as amended, Chapter 19, "Licenses, Permits and Business Regulations", Article VI, "Short Term Rentals" is amended in its entirety to read and provide as follows:

ARTICLE VI. - SHORT TERM RENTALS

Sec. 19-113. Short term rentals.

- (a) The purpose of this Article is to:
 - (1) establish regulations for the use of residential dwelling units as short term rentals;
 - (2) ensure the collection and payment of hotel/motel occupancy taxes;
 - (3) ensure that operators of short term rentals comply and ensure the occupants of their short term rentals comply with all city ordinances and maintain the quality of life in neighborhoods throughout the City.
- (b) For purposes of this Article, a short term rental (STR) is defined as the rental of a residential dwelling unit or accessory building fit for human habitation, for any types of consideration on a temporary or transient basis, for a period less than thirty (30) consecutive days.
- (c) An owner shall designate an individual, who may be the owner, an agent or a representative, to comply with all requirements of the City Code, including those related to noise, trash disposal, and parking, on behalf of the owner. The designated agent or representative is referred to as "operator" herein. An operator's act or failure to act shall be imputed to the owner. An owner and an operator are jointly liable for any violation of the City Code arising out of the operation of the short term rental.
- (d) The owner shall not be relieved from any personal responsibility or personal liability for noncompliance with any applicable law, rule or regulation pertaining to the use and occupancy of the residential dwelling unit as a short term rental unit, regardless of whether such noncompliance was committed by the owner's authorized agent or representative or the occupants of the owner's short term rental unit or their guests.
- (e) This Article is not intended to provide any owner of residential property with the right or privilege to violate any private conditions, covenants, and restrictions applicable to the owner's property that may prohibit the use of such owner's residential property for short term rental purposes as defined in this Article.
- (f) No owner may make available for a short term rental any building/property unless that building/property is licensed as a short term rental in accordance with this Article.
- (g) For the purposes of this Article, a short term rental does not include hotels or motels staffed by paid staff members, on a twenty-four hour a day basis, and guests use individual rented rooms separate and apart from other guests.

Sec. 19-114. – Registration and License.

- (a) Before operating a short term rental, the owner must obtain a license from the City of Galveston (city). A city license is valid for twelve months from January through December. The license is nontransferable. If an owner sells a property being used as a short term rental, the new owner must obtain a license prior to operating the property as a short term rental.
- (b) The City will conduct registration of short term rentals. The required forms will be provided to the owner/operator to complete in order to obtain a short term rental license.
- (c) The owner/operator must include the following information and submit the completed forms as part of the registration process:
 - (1) The name, address, email and telephone number of the owner of the subject short term rental unit;
 - (2) The name, address, email and telephone number of any operator of the subject short term rental unit;
 - (3) The name, address, email and twenty-four (24) hour telephone number of the local contact person:
 - a. The local contact person is the person designated by the owner or the operator who shall be available twenty-four (24) hours per day, seven (7) days a week for the purpose of:
 - 1. Responding in person within one (1) hour to complaints regarding the condition, operation, or conduct of occupants of the short term rental unit; and
 - 2. Taking remedial action to resolve any such complaints.
 - b. An acknowledgement statement of understanding that the failure of the person named as the local contact person to appear at the short term rental within one hour of being called, shall be a violation of this Article of the City Code.
 - c. An acknowledgement statement of understanding that the failure of the person named as the local contact person to resolve the complaints given to them within two (2) hours of being called shall be a violation of this section of the City Code.
 - d. The City will provide an online listing of each short term rental unit within the City and include the name and phone number to facilitate communications with Short Term Rental designated contacts.

- (4) The address of the existing structure proposed to be used as the short term rental unit;
 - (5) A parking plan providing for:
 - a. a minimum of one (1) vehicular parking space for each bedroom in the short term rental;
 - b. in addition, a maximum of two (2), vehicular on-street parking, spaces may be utilized.
 - c. For the purposes of these regulations, a bedroom is defined as a room designed primarily for sleeping, with an attached closet and at least one (1) window.
 - (6) Such other information as the city manager, or designee, deems reasonably necessary to administer this Article.
- (d) License fee.
- (1) Short term rentals must pay an annual registration fee as established by the city council to obtain a license to operate.
 - a. The annual short term rental registration fee is payable by December 31 preceding the license year.
 - b. The annual short term rental registration fee shall be two hundred fifty dollars (\$250.00) (per rental unit).
 - (2) All entities must register each individual short term rental, even if the tax payments are made under one (1) tax payer identification number.
 - (3) Each individual property utilized by an owner as a short term rental shall be registered separately.
 - (4) Each individual short term rental shall be issued a registration number.
 - (5) Except as provided herein:
 - a. Registration of a short term rental shall expire yearly on December 31 of each calendar year.
 - b. The registration of a short term rental which is filed after January 1 of a calendar year shall expire in December of that calendar year.
- (1) There will be no pro rata reduction of the registration fee.

- (2) The registration fee is non-refundable.
- (3) Any owner failing to register by December 31 will be subject to a \$500 late fee in addition to the registration fee. The \$500 late fee will not apply if the applicant acquired the property after the December 31 registration deadline. Registration in this instance shall occur within sixty (60) days of acquiring the property.

- c. Failure to pay the registration fee shall result in an immediate suspension of the registration of the short term rental unit. During the period of any suspension, the unit may not be advertised or utilized as a short term rental.

(e) Nonconformity.

If a property on which a short term rental is operated undergoes a zoning change to a zoning classification which does not permit short term rentals, the existing use shall be considered a nonconformity and may continue to obtain a short term rental operational license for the three (3) calendar years following the change of zoning by the City Council or the passage of this ordinance, whichever is later.

(f) Violation and penalty.

Any violation of this Article, is a violation punishable by a fine of up to five hundred dollars (\$500.00). Each day of noncompliance with this Article is a separate violation and shall constitute a separate offense.

Sec. 19-115. - Minimum standards of conduct.

- (a) The owner, agent or representative are responsible to ensure that clients and/or occupants who rent their short term rentals do not violate city laws, including; but not limited to, restrictions on parking, trash disposal, noise, discharge of firearms, use of fireworks, barking dogs, and any other conduct in violation of the City Code. Occupants of short term rentals shall not park vehicles on any grass yard, sidewalk, driveway of any residence other than the STR, or any street in such a way to impede travel by the public.

- (1) The Failure of the occupants to comply with all provisions of the City Code will create the rebuttable presumption that the owner has not informed the occupants of the conduct required of them under the City Code.

- (b) Each short term rental owner shall have in place a parking plan for each short term rental ensuring there is adequate parking available for their patrons. Adequate parking shall consist of one (1) parking space for each bedroom in the short term rental with a maximum of two (2) passenger vehicles permitted to park on the street.

- (c) Each failure of the occupants of a short term rental to adhere to the minimum standards of conduct shall, in addition to any charges brought against the occupants, be considered a violation by the short term rental owner which may be used in the determination whether to revoke their license to operate the short term rental.
- (d) The owner is required to ensure all Hotel Occupancy Taxes are collected and submitted as set forth in City Code Chapter 33.
- (e) Citizens who wish to report violations of law or standards of conduct of occupants of short term rentals may contact the short term rental designated contact directly, but are also encouraged to call the Galveston Police Department non-emergency number.

Sec. 19-116. - Compliance—Penalty provision.

- (a) The owner or operator shall comply with all applicable laws, rules and regulations pertaining to the use and occupancy of the subject short term rental unit, including, but not limited to, Chapter 23, "Public Nuisances", Chapter 24, "Noise", and Chapter 33, Article III. "Hotel Occupancy Tax". Pursuant to Section, 33-89. - "Availability of records, reports and payments", the owner or operator shall submit a monthly report to the city on the appropriate "hotel occupancy tax collection report" form, even if the short term rental unit was not rented during any such month.
- (b) Failure to comply.
 - (1) Notice of violation. The city may issue a notice of violation to any occupant, owner(s) or operator, if there is any violation of this Article committed, caused or maintained by the owner, operator or occupant.
 - (2) Failure to respond and resolve.
 - a. Failure of the person designated by the owner/operator to respond within one (1) hour to complaints regarding the condition, operation, or conduct of occupants of the short term rental unit shall be considered a violation of this Article. A complaint includes calls made directly by a citizen to the short term rental contact person, as well as, any contact by law enforcement, fire or other applicable health and safety agency, or code enforcement.
 - b. Failure of the person designated by the owner/operator to resolve the complaints within two (2) hours of contact shall be considered a violation of this Article.
 - c. The hour(s) long time periods above shall be measured from the notification by a city marshal, police officer, police dispatcher, fire

marshal, or a citizen, to either the short term rental hotline or to the person designated by the owner/operator.

- (3) Citation. As allowed by law, the city may issue citations for violations of this Article and any other applicable state or local law.

(c) Penalty.

- (1) 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. In the instance of continuing conduct, each day shall constitute a separate offense.
- (2) 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).
- (3) 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.
- (4) Penalties provided for are in addition to any other enforcement remedies that the city may have under city ordinances and state law.

Sec. 19-117. Creation of short term rental licensing (“STRL”) board. Revocation of license.

- (a) A Short Term Rental Licensing Board (STRL Board) is hereby created to monitor the operation of short term rentals within the City of Galveston and make recommendations to the City Council related to the revocation of STR licenses. The Board shall be composed of three city staff members comprised of the following: Deputy City Manager; Director of Development Services, and Director of Finance.
- (b) Revocation of License.
 - (1) A license for the operation of a short term rental is subject to revocation upon a showing to the STRL Board that three (3) violations of the city code have occurred within the preceding 12 months. That showing may be made by citizens, neighborhood associations, and/or internal city departments.
 - (2) The City Manager or their designee will give written notice to the owner, of the contemplated revocation action and hearing schedule.
 - a. The notice shall identify each violation relied upon to support the recommendation of revocation.

- b. The owner may rebut any of the identified violations with such relevant information they may choose to present.
- (3) In determining whether a violation has occurred, the STRL Board may consider:
 - a. ticket(s) or warning(s) were issued - (no conviction is necessary);
 - b. a recording of the violation as it occurred;
 - c. statements of witnesses, law enforcement reports or any other evidence deemed relevant by the STRL Board.
- (4) At the conclusion of the hearing, the STRL Board will make a determination whether to revoke the license or allow continued operation. The STRL Board may condition continued operation of the short term rental, for as long as no further violations occur.
 - a. In the event of a further violation, the panel will reconvene to consider further action related to the license.
- (5) The STRL Board will provide a written recommendation to the City Council regarding revocation of licenses.
- (6) The first time a license is revoked, the length of revocation will be for a period not to exceed six months as recommended by the STRL Board. The recommendation will be referred to the City Council for final action. A new license will be required to resume operation.
- (7) Permanent Revocation.
 - a. A license for the operation of a short term rental is subject to permanent revocation if:
 - (1) a short term rental has received one (1) or more revocations of its license; and/or
 - (2) Upon a showing to the STRL Board that three (3) violations of the city code occurred since the restoration of a prior revoked short term rental license.
- (c) The decision to revoke an operating license, either on a temporary or permanent basis, shall be made by the City Council at a scheduled Council meeting. The decision of the City Council shall be considered a final action.

Sec. 19-118. Advertisement of short term rental units.

- (a) In this section, the term "advertisement" shall refer to any communication made by the owner/operator of a short term rental notifying the public that a short term rental is available for rent by the reader.
- (b) In this section, the term "medium" shall refer to any publication such as newspapers, signs, magazines, websites, social media, or television advertisements, which conveys to the reader the availability of the unit for rental on a short term basis.

- (c) An owner/operator of a short term rental in the city who uses any medium to market their short term rental in the city must include on the advertisement the registration number.
- (d) Failure to comply with this Article shall be an offense punishable in accordance with the regulations set forth herein. Each day of advertisement shall constitute a separate offense. In the event multiple mediums are utilized, each advertisement in a single medium is a separate offense.

Sec. 19-119. - Short term rental platforms.

- (a) A short term rental platform is a person or entity that: 1) provides an online means through which an owner/operator may offer a short term rental unit for rent by the public and the consumer may lease the unit; and 2) receives a financial benefit as a result of the rental.
- (b) A short term rental platform that displays listings of short term rentals located in the city shall require an owner/operator using the platform to include the property's registration number in any listing for a short term rental on the platform. The registration number must be displayed on the listing. No short term rental shall be listed on the platform which does not include the registration number.
- (c) A short term rental platform shall remove any listing for a short term rental from the platform after notification by the City that the registration number associated with a short term rental listing is invalid, expired, or has been revoked. The notification must identify the listing(s) to be removed and state the reason for removal. The platform shall remove the listing as soon as practicable.
- (d) A short term rental platform that collects state hotel occupancy tax shall collect city hotel occupancy tax for owners/operators and remit to the city, the applicable city hotel occupancy tax, as calculated on the amount the short term rental guest pays to the short term rental owner/operator for rent. To effectuate this provision, the city hotel occupancy tax code, [chapter 33](#), article III shall apply to short term rental platforms.
- (e) A short term rental platform that fails to comply with the requirements in this article is subject to the applicable penalty provisions of the city hotel occupancy tax code, [chapter 33](#), Article III.
- (f) Nothing in this ordinance will absolve the owner/operator from any duties or obligations which arise under [chapter 19](#) or [chapter 33](#) of the City Municipal Code. Notwithstanding any other provision of this ordinance, payment of hotel occupancy tax is the responsibility of the short-term rental owner/operator.

For purposes of this review, the current Chapter 19, Article VI., STR code is not provided. It will be provided in the agenda packet but will be struck through procedurally, and when the Ordinance is adopted in its entirety.

SECTION 3. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or

decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance.

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

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

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

SECTION 8. 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:

DONALD GLYWASKY
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 May 22, 2025, 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 _____ day of _____, 2025.

Secretary for the City Council
of the City of Galveston

DRAFT

ORDINANCE NO. 25- _____

AN ORDINANCE OF THE CITY OF GALVESTON, TEXAS, AMENDING THE CODE OF THE CITY OF GALVESTON, AS AMENDED, CHAPTER 8, “BEACHES AND WATERWAYS”, REGARDING JURISDICTIONAL AREAS, AND AMENDING CHAPTER 26, “PARKS AND RECREATION”, TO PROVIDE REGULATIONS AND PROCEDURES REGARDING VENDOR PERMITS; PROVIDING FOR PENALTIES AS APPLICABLE; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, staff has reviewed Chapter 8 “Beaches and Waterways”, regarding jurisdictional areas and recommends clarification of the jurisdiction of the City of Galveston for the management and control of beach areas; and,

WHEREAS, staff has reviewed Chapter 26 “Parks and Recreation”, Article III., “Park Board of Trustees”, and recommends providing additional regulations and clarification pertaining to vendor permits and certain areas of the beach; and,

WHEREAS, the City Council deems it in the public’s interest to amend Chapter 8, “Beaches and Waterways”, and Chapter 26, “Parks and Recreation”, of “The Code of The City of Galveston 1982, as amended,” as provided below.

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

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

SECTION 2. Chapter 8, “Beaches and Waterways”, of “The Code of The City of Galveston 1982, as amended,” is amended to provide as follows:

Sec. 8-20. Jurisdiction of beach and waterway concessions.

(a) Pursuant to Tex. Nat. Res. Code Ch. 63 and Tex. Loc. Gov’t Code Ch 306, the City has designated in City Code Sec. 26-54, those areas of the beach which are under the management and control of the Park Board.

(b) Any person or legal entity offering for lease or rent or sale any items or services from a beach location between 10th and 69th Streets, beachfront property between the westernmost boundary of Dellanara Park and the easternmost boundary of Galveston County Pocket Park Number One, beachfront property not to exceed five hundred (500) feet east and west of Galveston County Pocket Park Two, beachfront property not to exceed five hundred (500) feet east and west of

Galveston County Pocket Park Three, excluding beachfront property located directly in front of subdivisions within the pocket park boundaries, and other beach or waterway areas under the control and administration of the park board of trustees for the city shall obtain a lease agreement for such concession from the park board of trustees for the city and shall operate under the terms of such concession agreement.

(c) With the exception of those beach and shore areas known as Galveston Island State Park, Sea-Arama pools and Henderson Lagoon, it shall be unlawful for any person, corporation, partnership, or other entity to lease, rent, or offer for sale any commodity or service from a beach or shore location not under the management and control of the Park Board, and under the control of the city in its corporate limits without first obtaining from the city department of planning and community development a beach concessionaire's permit. The city shall not issue beach concession permits for beachfront areas located within the aforementioned pocket park boundaries.

(d) Any person who wishes to rent or sell any item on a beach area to which they claim a right of private ownership in fee or, by lease, that is otherwise designated to be under the management and control of the Park Board, shall get a permit from the Park Board using the procedures set forth in City Code Sec. 26-54.1.

~~Any person or legal entity offering for lease or rent or sale any items or services from a beach location between 10th and 69th Streets, beachfront property between the westernmost boundary of Dellanara Park and the easternmost boundary of Galveston County Pocket Park Number One, beachfront property not to exceed five hundred (500) feet east and west of Galveston County Pocket Park Two, beachfront property not to exceed five hundred (500) feet east and west of Galveston County Pocket Park Three, excluding beachfront property located directly in front of subdivisions within the pocket park boundaries, and other beach or waterway areas under the control and administration of the park board of trustees for the city shall obtain a lease agreement for such concession from the park board of trustees for the city and shall operate under the terms of such concession agreement. With the exception of those beach and shore areas known as Galveston Island State Park, Sea-Arama pools and Henderson Lagoon, it shall be unlawful for any person, corporation, partnership, or other entity to lease, rent, or offer for sale any commodity or service from a beach or shore location, and under the control of the city in its corporate limits without first obtaining from the city department of planning and community development a beach concessionaire's permit. The city shall not issue beach concession permits for beachfront areas located within the aforementioned pocket park boundaries.~~

SECTION 3. Chapter 26, "Parks and Recreation", of "The Code of The City of Galveston 1982, as amended," Article III. "Park Board of Trustees" is amended by adding the following:

Sec. 26-54.1 Permits for vendors operating on privately owned beach property.

- (a) The Park Board may allow for the rental or sale of any items or services from a beach location under its management and control through the issuance of a concession agreement. A concession agreement shall contain the terms and conditions deemed most advantageous to the Park Board but may not exceed a period of three years. The charges paid by the concessionaire to the Board shall include fees for the collection of trash and debris from the concession area by the Park Board, and an access fee for use of a ramp to access the concession area. The Park Board may deny the use of a particular ramp if in the decision of the board the ramp is not suitable or safe for use as an access point.
- (b) The Park Board will grant a permit for the rental or sale of any items or services from a beach location to an individual or entity that has a right of possession by virtue of ownership in fee or through a lease by the fee owner.
- 1) A person who claims ownership in fee must provide proof of ownership by providing a copy of the deed, a title report, or other competent evidence to establish ownership. Documents from the Central Appraisal District without more is insufficient to establish ownership.
 - 2) A person who claims a right of possession by virtue of a lease must provide a copy of the lease as well as evidence that the lessor is the property owner utilizing the documents noted in the previous section above.
 - 3) A person who claims a right of possession to property held in trust must have a lease signed by the trustees of the trust as well as documents demonstrating proof of ownership.

SECTION 4. 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 5. All Ordinances or parts thereof in conflict herewith are repealed to the extent of such conflict only.

SECTION 6. All Ordinances of general and permanent nature, and amendments to such Ordinances, hereinafter adopted by the City Council, shall be drafted, so far as possible, as specific amendments of, or additions to, this Code. Amendments to this Code are intended for publication to the Galveston City Code. The Codifier is authorized pursuant to the Galveston City Code to make non-substantive changes to the Ordinance prior to publishing.

SECTION 7. 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 8. 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:

DONALD GLYWASKY
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 May 22, 2025, 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 _____ day of _____, 2025.

Secretary for the City Council
Of the City of Galveston