

Commercial Use of Park Facilities Policy & Fees

Galveston County has experienced a growing demand for use of park facilities for commercial purposes including fitness classes, boot camps, sports instruction and food trucks (mobile food and beverage vendors). In order to effectively manage the commercial use of park facilities, the Parks & Cultural Services Department has established a Commercial Use of Park Facilities Policy and Fees. The goal of this policy is to promote successful partnerships between public park users and commercial entities, while ensuring the safety of all. This policy and fees have been approved by the Galveston County Commissioners' Court.

Commercial use includes anyone who sells food or beverage in a Galveston County park that is not part of a permitted public/special event; and anyone who offers education or instruction for which a fee is collected by the organizer, producer or sponsor. Commercial use purposes include, but are not limited to, exercise classes, fitness boot camps, instructional classes, dog training, tennis instruction, horseback riding instruction, personal training, organized camps/sport camps, mobile food or beverage vendors, etc. The individual/business/organization may not operate in any county owned park until a commercial use permit is issued.

How to Obtain a Commercial Use Permit: Your request(s) will be reviewed by the department and may take up to 30 days for the review process. Please submit your applications at the beginning of each calendar year.

- 1) Contact the Parks & Cultural Services Department at program-info@co.galveston.tx.us or call 409-934-8100 to request an application.
- 2) Complete the application and submit required documentation listed below no later than 45 days prior to the start of the proposed program first class date. Incomplete applications will not be considered.

-The following items are also required at the time your application is submitted:

- \$25 non-refundable application fee, per application
- \$100 refundable deposit, per application (cashier's check or money order only)
- Certificate of general liability insurance – see specific insurance requirements below
- Any non-food/beverage vendor must submit a program advertisement/flyer, a description of registration procedures, and website address, if applicable.
- Mobile food/beverage vendors must submit two photos of their unit, proof of automobile insurance, along with a copy of their Galveston County health permit for mobile food vendors. More information can be found at: <http://www.gchd.org/ech/Mobileop.htm>

- 3) Applications will be reviewed and either approved, denied, or sent back to the applicant for additional information within 30 days.
- 4) Once approved, applicants will be invoiced for the first month's operating fee. Once the fee has been received, a permit will be issued within three (3) business days. Applicants must obtain their permit prior to conducting commercial business in a county park. Fees will not be pro-rated.

Approved Park Locations/Sundays not permitted

The parks below have been identified as permitted locations for approved commercial use activities. Areas specifically dedicated to a use that would reasonably conflict with any approved activities are excluded (i.e. holding fitness classes in an area designated as a children's play area is not appropriate). Commercial use permits will be issued Monday-Saturday and exclude Sundays.

- Bayshore Park, 5437 East FM 646, Bacliff, TX 77518
- Carbide Park, 4102 Main Street, La Marque, TX 77568
- Gregory Park, 2292 State Highway 87, Crystal Beach, TX 77650
- Elva Lobit Park, 1901 E. FM 646, League City, TX 77573 (mobile food/beverage vendors prohibited)
- Fort Travis Seashore Park, 900 State Highway 87, Port Bolivar, TX 77650
- Jack Brooks Park, 10100 State Highway 6, Hitchcock, TX (mobile food/beverage vendors prohibited)
- Noble Carl Park, 1760 State Highway 87, Crystal Beach, TX 77650
- Paul Hopkins Park, 1000 FM 517, Dickinson, TX 77539 (excludes November, December and January)
- Ray Holbrook, 2545 Owens, Dickinson, TX 77539 (mobile food/beverages vendors prohibited)
- Runge Park, 4605 Peck Avenue, Santa Fe, TX 77510 (mobile food/beverage vendors prohibited)
- Walter Hall Park, 807 Highway 3 North, League City, TX 77573

Terms:

The Permit Holder agrees to operate for a minimum of six months, consecutively. In the event that the permit is terminated before the six month requirement, the security/damage deposit will be retained.

Fees*:

Application and permit fees are non-refundable.

Application fee	\$25.00, per park
Monthly operating fee	\$50.00, per park
*Walter Hall monthly operating fee	\$100.00
Permit Amendment fee, per amendment	\$75.00, per park

*Fees will not be pro-rated.

Deposits

A security or damage deposit of \$100.00 for each park application is due at the time the permit is issued. This must be in the form of a certified check or money order.

Permit Cancellation/Refund of Deposit Checks

Galveston County reserves the right to cancel your permit at any time. In the event that the commercial use Permit Holder would like to cancel their permit, notification of the cancellation must in writing and postmarked by the 15th of the current month in order to cancel the permit for the following month (i.e. letter postmarked January 15th would cancel your February permit; letter postmarked on January 16th would cancel your permit March 1st). Written notification must be sent by mail, email or fax to:

Galveston County Department of Parks & Cultural Services
 Attn: Commercial Use Permits
 4102 Main Street (FM 519)
 La Marque, TX 77568
program-info@co.galveston.tx.us
 Fax: 409-621-7986

Commercial use Permit Holders who are in good standing (not delinquent on monthly operating fee payments, who have met their six month commitment, who have returned their permit sign, and who have repaired any damage to the LAND/FACILITIES caused by the Permit Holder) will receive a refund of their deposit check.

Application/Permit Amendments

Any amendment or change to your original application(s) will be charged a \$75.00 fee, per amendment. An example of an application amendment includes but is not limited to: adding a day of the week for instruction or food sales, changing class times, etc. Application amendments must be requested by the 15th of the month to go into effect once approved on the 1st of the following month.

Limited Commercial Use Days Due to Public/Special Events

Event organizers are able to obtain permits to host public special events in county parks; therefore, on days where a public special event is scheduled 60 days or more in advance, commercial use permits will not be issued.

Certificate of Insurance

A Certificate of Insurance, as well as proof of liability naming the County of Galveston as additional insured is required. All certificates must name Galveston County as the certificate holder (722 Moody, Galveston, TX 77550) and must be date and site specific. Applicant agrees to maintain insurance coverage throughout the permit term.

Limits of Coverage:

Each Occurrence	\$300,000.00
Bodily Injury	\$100,000.00/person
Property Damage	\$100,000.00

Reporting

Commercial Permit Holders will be required to submit a financial report and participant demographics every six months. A reporting form will be provided by Galveston County Parks & Cultural Services Department.

Rules and Regulations

- Any misrepresentation in application materials or deviation from the final permit conditions may result in immediate revocation of the permit, suspension of the event, and possible loss of privilege to conduct business in the future on Galveston County park property.
- To the extent of any conflict between commercial activities and other park activities authorized, the County reserves the right to adjust the uses authorized.
- Permits cannot be transferred.
- Commercial permit signs and permit number must be displayed during permitting times using the approved sign provided by the Galveston County Parks & Cultural Services Department.
- Galveston County Parks reserves the right to restrict the number of participants for any commercial permit.
- Commercial vendor permits are limited to three hours, per day, per park.
- Permit Holders shall not interrupt existing use of an area by the general public and the public must always have access to park entrances. Blocking of public access is prohibited.
- Galveston County's maintenance, programs and special events will have priority usage of park areas.
- Park use is conditional based on maintenance schedules and weather conditions.
- Advertising and marketing of any kind is prohibited in county owned parks/facilities (including but not limited to: coroplast signs, flags, banners).
- Groups are asked to report and damages, dangerous situations, vandalism or inconveniences you observe during your use of the site to Galveston County Parks at 409-934-8100.
- The use of any trees, pavilions, fencing, or permanent structures, including playgrounds and county owned equipment is strictly prohibited (i.e. tying off exercise equipment).
- All approved permits and photo ID must be available during permitted use and presented to any staff member/law enforcement officer upon request. In the event that a substitute will utilize the permit, you must notify the Parks Office at 409-934-8100. Voice mail messages are acceptable.
- Park hours are 7:30am to 10:00pm. Requests for earlier entry must be approved by Parks Director.
- Permit Holder shall advise Permit Holder's employees/staff/participants/volunteers of the rules and regulations to ensure that all activities under the permit are in compliance.
- If the Permit Holder or any agents or customer/client of the Permit Holder damages park property, the County may retain the deposit to offset the damages in addition or pursuing other legal remedies available.
- The spraying or marking of any area is prohibited. Use of cones and sidewalk chalk is permissible.
- No glass containers are allowed in county parks.
- Solicitation of the public or other park users is prohibited.

In addition to the specific rules and regulations established for commercial use permits, applicant acknowledges that each park and permit is subject to general park rules and regulations that currently exist. Rules and regulations may be adopted or amended by the Galveston County Commissioners' Court at any time and applicant agrees to abide by these rules and regulations.

Commercial Use Permit Holder's Liability to the COUNTY or Third Parties. Permit Holder is responsible, under state and federal law, as appropriate, to the COUNTY and any third parties for any injury to persons or damage to property caused by the wrongful or negligent acts or omissions of Permit Holder employees or officers acting within the scope of their employment or office. Permit Holder agrees to return the property to the COUNTY in substantially the same condition it was in prior to Permit Holder's entry upon the LAND/FACILITIES, unless otherwise agreed upon. Permit Holder may make repairs to the LAND/FACILITIES that would return it to the COUNTY in substantially the same condition that existed at the start of the permit. The right to make repairs should not be construed as a modification of Permit Holder's rights and obligations under applicable law. The COUNTY or injured third parties may recover losses caused as a result of Permit Holder's activities related to its use of the LAND/FACILITIES that are not repaired or compensated for adequately by Permit Holder using other means. In no case will Permit Holder's liability exceed that allowable under applicable law.

COUNTY Liability to Permit Holder. The COUNTY is not liable to Permit Holder for damage or destruction of Permit Holder's property or equipment, or injury or death of Permit Holder's personnel, employees or officers. The COUNTY makes no representation that the LAND/FACILITIES is suitable for Permit Holder's contemplated use. Permit Holder's representatives will inspect and evaluate the suitability and safety of the LAND/FACILITIES for the proposed training. Permit Holder acknowledges that these premises covered by this license may contain hazardous conditions.

Contract Damages to Property. The COUNTY agrees to notify Permit Holder of any damage to the LAND/FACILITIES, beyond that discussed by the parties, within ten (10) days of the expiration of the term of the permit. Failure to notify Permit Holder within the ten (10) days constitutes a waiver of such damage claim. Permit Holder agrees to negotiate a settlement within fifteen (15) days of notification of damage.