

CITY OF JOSHUA, TEXAS

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF JOSHUA, TEXAS, AMENDING SUBSECTION (a), "LOCATION," OF SECTION 1.10.005, "FOOD TRUCK REQUIREMENTS," OF ARTICLE 1.10, "FOOD TRUCKS," OF CHAPTER 1, "GENERAL PROVISIONS," OF THE CODE OF ORDINANCES OF THE CITY OF JOSHUA, TEXAS, RELATIVE TO THE OPERATION OF FOOD TRUCKS IN THE HERITAGE PRESERVATION OVERLAY DISTRICT; MAKING FINDINGS; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Joshua, Texas, is a home rule municipality acting under its charter, which was adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Texas Local Government Code; and

WHEREAS, the City recently adopted an ordinance relative to the regulation of food trucks in the City; and

WHEREAS, the City wishes to place certain limitations on where food trucks may operate in the City, as more particularly described in this Ordinance; and

WHEREAS, the City Council has determined that this Ordinance promotes the public health and safety.

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

SECTION 1

All of the above premises are hereby found to be true and correct legislative and factual findings of the City of Joshua and they are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

SECTION 2

From and after the effective date of this Ordinance, Subsection (a), "Location," of Section 1.10.005, "Food Truck Requirements," of Article 1.10, "Food Trucks," of Chapter 1, "General Provisions," of the Code of Ordinances of the City of Joshua, Texas, is hereby amended to read as follows:

"ARTICLE 1.10 FOOD TRUCKS

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Sec. 1.10.005 Food Truck Requirements

The following regulations shall apply to a Permit holder operating a food truck within the City:

(a) Location.

(1) All food trucks must be located on a parcel which is appropriately zoned for commercial development.

(2) Any food truck shall be located on a parcel where an existing permanent business operates in a building which possesses a valid certificate of occupancy.

(3) Food truck vendors shall provide the City with a copy of written permission from the property owner to allow the operation of a food truck and to allow the food truck and their customers access to a commercially plumbed public restroom on-site.

(4) A food truck vendor shall submit a site plan depicting the location of the food truck on the property; and shall secure a current food handler card(s) from Johnson or Tarrant County, providing copies of these documents to the City of Joshua.

(5) Food trucks shall be located within five hundred feet (500') of an entrance of a primary building that holds the certificate of occupancy.

(6) No food trucks, their merchandise, advertising, or seating shall obscure traffic sight visibility.

(7) No food trucks operating under this article shall be allowed to sell or service food on any public street, sidewalk, or other public right-of-way unless approved in writing by the City of Joshua.

(8) Food trucks shall not operate in driveways or fire lanes.

(9) Food trucks, including any applicable seating may operate in parking spaces in a commercially zoned individual property, parcel, tract or platted lot, if the required parking for the center remains in compliance with the City's parking regulations. A site plan indicating the specific location is required.

(10) Food trucks shall not remain on any parcel for more than seventy-two (72) hours in any seven (7) day period.

(11) No food truck shall be operated or located within the Heritage Preservation Overlay District, as described in Section 6.16.4 of the City's Zoning Ordinance, as amended, except in conjunction with a City-sponsored special event."

SECTION 3

All ordinances, orders or resolutions heretofore passed and adopted by the City Council of the City of Joshua, Texas, are hereby repealed to the extent that said ordinances, resolutions, or parts thereof, are in conflict herewith.

SECTION 4

If any section, subsection, clause, phrase or provision of this Ordinance, or the application thereof to any person or circumstance, shall to any extent be held by a court of competent jurisdiction to be invalid, void or unconstitutional, the remaining sections, subsections, clauses, phrases and provisions of this Ordinance, or the application thereof to any person or circumstance, shall remain in full force and effect and shall in no way be affected, impaired or invalidated.

SECTION 5

Any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished pursuant to the provisions contained in Section 4.09.012 of the Code of Ordinances of the City of Joshua, Texas, as amended.

SECTION 6

The City Secretary is directed to publish in the official newspaper the caption and penalty clause of this ordinance once in a newspaper of general circulation.

SECTION 7

This ordinance shall be in full force and effect from and after its passage and publication as provided by law, and it is so ordained.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF JOSHUA, TEXAS, THIS 15TH DAY OF AUGUST, 2024.

Scott Kimble, Mayor

ATTEST:

Alice Holloway, City Secretary

APPROVED AS TO FORM AND CONTENT:

Terrence S. Welch, City Attorney