CITY OF JOSHUA, TEXAS

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF JOSHUA, TEXAS, AMENDING CHAPTER 4, "BUSINESS REGULATIONS," OF THE CODE OF ORDINANCES OF THE CITY OF JOSHUA, TEXAS, BY REPEALING EXISTING ARTICLE 4.04, "FOOD TRUCKS," AND REPLACING IT WITH A NEW ARTICLE 4.04, "MOBILE FOOD VENDORS"; 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 it 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, in or about December 2023, the City adopted regulations relating to food trucks in the City, which regulations adopted provisions relative to licensing, permitting, and requirements for the operation of food truck in the City; and

WHEREAS, with the approval of House Bill No. 2844 by the Texas Legislature, and signed by the Governor in 2025, effective July 1, 2026, all mobile food vendors must be licensed with the Texas Department of State Health Services and moreover, pursuant to Section 437B.003 of the Texas Health and Safety Code, all municipal authority to prohibit or regulate mobile food vendors has been expressly preempted, except to the extent noted in Title 25, Chapter 226 of the Texas Administrative Code.

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

Article 4.04, "Food Trucks," of Chapter 4, "Business Regulations," of the Code of Ordinances of the City of Joshua, Texas, is hereby repealed in its entirety and replaced with a new Article 4.04, "Mobile Food Vendors," to read as follows:

"**ARTICLE 4.04 MOBILE FOOD VENDORS**

Sec. 4.04.001 Texas Administrative Code and Preemption of City Regulation

The City of Joshua hereby adopts by reference the provisions of the current rules, or rules as may be amended from time to time, by the Texas Department of State Health Services, found in Title 25 of the Texas Administrative Code, Chapter 226, "Mobile Food Vendors."

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

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 ___ DAY OF _____, 2026.

_____
Scott Kimble, Mayor

ATTEST:

_____
Alice Holloway, City Secretary

APPROVED AS TO FORM AND CONTENT:

_____
Terrence S. Welch, City Attorney