CITY OF JOSHUA, TEXAS

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF JOSHUA, TEXAS, ADOPTING NEW LOCATIONAL AND OPERATIONAL REGULATIONS FOR FOOD TRUCKS BY AMENDING EXISTING SECTION 5.07, "RESERVED," OF ARTICLE 5, "PERMITTED USES," OF THE CITY'S ZONING ORDINANCE, FOUND IN CHAPTER 14, "ZONING," OF THE CODE OF ORDINANCES OF THE CITY OF JOSHUA, TEXAS, AND REPLACING IT WITH A NEW SECTION 5.07, "FOOD TRUCKS"; MAKING FINDINGS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY; AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, the City is authorized and empowered to enforce ordinances necessary to protect the welfare of its inhabitants; 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, which specifically authorizes municipal enforcement of zoning regulations relative to food trucks; and

WHEREAS, the City Council deems it necessary to retain specified zoning rules and regulations for mobile food vendors.

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, Section 5.7, "Reserved," of Article 5, "Permitted Uses," of the City's Zoning Ordinance found in Chapter 14, "Zoning," is hereby repealed and replaced with a new Section 5.7, "Food Trucks," to be read as follows:

“**§ 5.7 Food Trucks**

The following regulations shall apply to any food truck within the city:

1. Any food truck 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 its 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.

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

6. No food truck, its merchandise, advertising, or seating shall obscure traffic sight visibility.

7. No food truck 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. No food truck shall not operate in a driveway or fire lane.

9. A food truck, including any applicable seating, may operate in parking spaces in a commercially zoned individual property, parcel, tract or platted lot, if the required parking remains in compliance with the City's parking regulations.

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

11. A drive-through is not permitted in conjunction with a food truck and shall not provide a drive-through service of any kind.

12. A food truck shall be equipped with a self-closing lidded, trash receptacle. The trash receptacle must be placed outside next to the food truck for use by the patrons of the food truck. The area around the food truck shall be kept clean and free from litter, garbage, and debris.

13. Temporary connections to potable water are prohibited. Water shall be from an internal tank, and electricity shall be from a generator or an electrical outlet via a portable cord that is in conformance with the Electrical Code as adopted by the City of Joshua.

14. Except as otherwise limited by the City of Joshua Code of Ordinances, or other City codes, a food truck may utilize outside seating consisting of a portable table and a seating capacity of not to exceed four (4).

15. Special events sponsored by the city, lasting no longer than 72 hours, and required to be permitted by the city shall be subject to any food truck regulations enforced by the city for such special event."

SECTION 3

This Ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinances of the City of Joshua, Texas, as amended, except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event the conflicting provisions of such ordinances and such Code are hereby repealed.

SECTION 4

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 5

Any person, firm, corporation or business entity violating this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine not to exceed the sum of Two Thousand Dollars ($2,000.00), and each and every day such violation shall continue shall constitute a separate offense.

SECTION 6

This Ordinance shall be in full force and effect from and after its passage and it is so ordained.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF JOSHUA, TEXAS, ON THIS ___ DAY OF _____, 2026.

_____
Scott Kimble, Mayor

ATTEST:

_____
Alice Holloway, City Secretary

APPROVED AS TO FORM:

_____
Terrence S. Welch, City Attorney