

ORDINANCE 580

AN ORDINANCE OF THE CITY OF LOS FRESNOS, TEXAS REGULATING MOBILE FOOD VENDORS (FOOD TRUCKS); ESTABLISHING OPERATIONAL, ZONING, AND SEATING REQUIREMENTS; PROVIDING FOR COMPLIANCE WITH STATE LAW INCLUDING H.B. 2844 AND TEXAS HEALTH AND SAFETY CODE CHAPTERS 437 AND 437B; PROVIDING A PENALTY; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

This ordinance was introduced and submitted to the City Council for passage and adoption after the second reading of the Ordinance. After presentation and discussion of the Ordinance, a motion was made by _____ that the Ordinance be finally passed and adopted in accordance with the City's Home Rule Charter. The motion was seconded by _____ and carried by the following voted:

Mayor Alejandro Flores	___ For ___ Against ___ Abstained
Mayor Pro-tem Alberto Escobedo	___ For ___ Against ___ Abstained
Councilmember Andrew Gonzales	___ For ___ Against ___ Abstained
Councilmember Juan Munoz	___ For ___ Against ___ Abstained
Councilmember Luis Gonzalez	___ For ___ Against ___ Abstained
Councilmember Leonel Casanova Jr.	___ For ___ Against ___ Abstained

WHEREAS The City Council of the City of Los Fresnos finds that mobile food vendors provide beneficial services to the community but require reasonable regulation to protect public health, safety, and welfare; and

WHEREAS, House Bill 2844 (88th Texas Legislature) limits the authority of municipalities to require duplicate permitting or health inspections where such matters are regulated by the State of Texas; and

WHEREAS, Chapters 437 and 437B of the Texas Health and Safety Code regulate food establishments and mobile food units at the state level; and

WHEREAS, the City retains authority to regulate zoning, land use, traffic safety, and public welfare within its jurisdiction;

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

SECTION 1. DEFINITIONS

Mobile Food Vendor (MFV): A mobile food unit or food establishment operating from a vehicle, trailer, or temporary structure as defined under Texas Health and Safety Code Chapters 437 or 437B.

SECTION 2. GENERAL REGULATIONS

A. Zoning Compliance

1. Mobile food vendors may operate within the City only in zoning districts where such use is permitted by this Code:
 - C-2 (Highway Commercial)
 - C-4 (Heavy Commercial)
2. Mobile food vendors shall comply with all applicable zoning and development standards.
3. Mobile food vendors shall **not operate on vacant or unimproved lots** unless such use is specifically authorized in accordance with applicable zoning and development regulations.

B. Operation on Developed Sites

1. Mobile food vendors operating on property containing an existing principal business:
 - Shall not occupy or utilize all required off-street parking spaces necessary to serve the primary business.
 - Adequate parking must be maintained in compliance with the City's zoning ordinance.

C. Inspections

1. The Building Department, and other City departments as necessary, may inspect the site for:
 - Zoning compliance
 - Building requirements
 - Fire safety
 - Infrastructure compliance
2. Such inspections **shall not constitute or require duplicative licensing or health permitting** beyond that authorized by state law, including H.B. 2844.

D. Administrative Site Review Required

Prior to the placement or operation of a mobile food vendor on any property within the City, the property owner or authorized agent shall obtain an administrative site review approval from the City.

The purpose of the administrative site review is to verify that the proposed location complies with applicable City regulations, including but not limited to: Zoning district requirements, off-street parking compliance, site placement and circulation, access and public safety considerations

The administrative site review may include internal routing to applicable City departments, including Building and Fire, as necessary to evaluate compliance with applicable codes and safety standards.

An administrative site review fee shall be required and assessed in accordance with the City's adopted fee schedule.

This administrative review shall apply solely to the use and condition of the property and shall not constitute a permit or license for the operation of a mobile food vendor, in compliance with applicable state law, including House Bill 2844.

E. State Licensing Required

All mobile food vendors operating within the City shall maintain all required valid licenses and permits issued by the State of Texas and/or Cameron County, as applicable, including those required under Texas Health and Safety Code Chapters 437 and 437B. Proof of such licensing shall be provided to the City upon request.

SECTION 3. SEATING AND OUTDOOR DINING

A. Prohibited Seating

Outdoor seating, tables, chairs, or dining areas associated with a mobile food vendor shall not be permitted unless: The vendor is operating within an approved mobile food vendor court or park.

SECTION 4. LOCATION AND PLACEMENT

1. Mobile food vendors may operate within the City in compliance with:
 - Zoning regulations
 - Right-of-way regulations
 - Traffic safety standards
 - Public safety requirements
2. The City may regulate the placement and location of mobile food vendors within permitted zoning districts to ensure:
 - Safe traffic circulation
 - Adequate access
 - Protection of public health, safety, and welfare

SECTION 5. STATE LAW PREEMPTION

No provision of this ordinance shall be interpreted or applied in a manner that conflicts with, restricts, or prohibits the lawful operation of mobile food vendors in a way that is inconsistent with applicable state law, including Texas Health and Safety Code Chapter 437 (Regulation of Food Service Establishments), Chapter 437B (Mobile Food Units), and House Bill 2844, as adopted by the Texas Legislature. The City of Los Fresnos shall further ensure that its regulatory framework does not impose requirements that are preempted by state law, including the prohibition against requiring duplicative permits, licenses, or fees for mobile food vendors already operating under valid state or county authorization. This provision shall also be construed in harmony with applicable provisions of the Texas Local Government Code, including municipal regulatory authority and limitations, and the Texas Constitution's preemption doctrine, such that any local regulation of mobile food vendors remains consistent with state law and does not create unnecessary or unlawful barriers to operation.

SECTION 6. ENFORCEMENT AND PENALTY

Any person violating this ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in accordance with the general penalty provisions of the City Code.

SECTION 7. SEVERABILITY

If any provision of this ordinance is held invalid, such invalidity shall not affect the remaining provisions.

SECTION 8. EFFECTIVE DATE

This ordinance shall take effect upon passage and publication as required by law.

INTRODUCED AND APPROVED on the first reading this ____ day of _____, 2026.

APPROVED AND PASSED on the second reading this ____ day of _____, 2026.

Mayor, Alejandro Flores

ATTEST:

City Secretary, Jacqueline Moya