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## **PRESS RELEASE**

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### **District Court of Appeals rules in favor of the City regarding the “Food Truck Lawsuit”**

**South Padre Island, TX, June 13, 2022:** In a unanimous decision, the 13th District Court of Appeals has decided in favor of the City of South Padre Island in the lawsuit styled *Survive v. City of South Padre Island*, commonly referred to as the “food truck case”. The Court dismissed the Plaintiff’s case, which claimed that the City’s food truck ordinance regulations were unconstitutional.

The Court of Appeals ruled that the trial Judge committed an error in denying the City’s Plea to the Jurisdiction and the City’s request to dismiss the case.

The Court of Appeals decided that the City’s ordinance is not unconstitutional, and no damages were granted to the Plaintiffs.

The Court ruled that the plaintiffs “did not present evidence to rebut the presumption that the ordinance is constitutional” and failed to present evidence “that the ordinance violates their substantive-due-course-of-law-rights” under the Texas Constitution.

The Court of Appeals concluded that the plaintiffs did not establish a violation of their rights and that their case is dismissed.

The opinion by the Court of Appeals is consistent with and agrees with the City’s position all along that the “food truck” ordinance is constitutional, promotes and protects the general health and safety of the public, and promotes economic development, which are legitimate governmental interests.

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