

ORDINANCE NO. 02025-0922-01

AN ORDINANCE TO AMEND THE MASON ZONING ORDINANCE TO INCLUDE PORTIONS OF ARTICLE 3 – GENERAL PROVISIONS AND ARTICLE 10 - DEFINITIONS, REGARDING THE REGULATION OF MOBILE FOOD VENDORS (FOOD TRUCKS) WITHIN THE TOWN OF MASON, TN.

WHEREAS, Section 13-7-201 through 13-7-211 as well as 13-4-310 of the Tennessee Code Annotated empowered the Town to enact the Mason Zoning and provide for its administration, enforcement; and,

WHEREAS, the Board of Mayor and Aldermen deems it necessary, for the purpose of promoting the health, safety, morals and general welfare of the Town to Mason said Ordinance; and,

WHEREAS, the Mason Planning Commission has reviewed said proposed amendment pursuant to Sections 13-7-203 and 13-7-204 of the Tennessee Code Annotated and recommends such amendment to the Mason Board of Mayor and Aldermen; and,

WHEREAS, the Board of Aldermen has given due public notice of a hearing on said amendment, and a Public Hearing is scheduled for September 22, 2025; and,

WHEREAS, all the requirements of Section 13-7-201 through 13-7-211 of the Tennessee Code Annotated, with regard to the amendment of a zoning ordinance and map by the Planning Commission and subsequent action of the Board of Mayor and Aldermen have been met.

WHEREAS, the Board of Mayor and Alderman have determined that the Town should have a policy regarding the regulation of Mobile Kitchens or Food trucks to promote economic development through various entertainment alternatives, as well as ensuring health and safety of the public.

NOW, THEREFORE, BE IT ORDAINED by the Town of Mason, Tennessee, that the text of Article 3 and of Article 10 of the Mason Zoning Ordinance be amended as follows:

Article 3 – General Provisions shall be amended by adding the following Section 19 – Provisions for Mobile Food Vendors (Food Trucks).

Section 19 – Provisions for Mobile Food Vendors (Food Trucks)

A. Permits Required

1. *Mobile Food Facility Permit:* A state level permit that specifically allows you to operate a mobile food service. It requires a questionnaire form to be filled out and filed with the Tennessee Department of Agriculture.

2. *Public Health Permit*: Issued by your local board of health department and ensures your food truck meets health and safety standards.
3. *Food Seller permit*: Also known as a sales tax permit, that allows you to collect and remit sales tax of food you sell. Register this number with the TN Dept. of Revenue.
4. *Employee Health Permit*: Also known as a Safe/Serv card, this card is attained after a short training on safe food handling practices. Anyone who handles food should carry one.
5. *A Local General Business license*: Issued by the local Town or City that you seek to do business in.
6. *Fire Safety Permits*: Tennessee now requires a single state permit which can be attained by passing an inspection by the County Fire Marshall or a designated local inspector.
7. *Lease Agreement/Permission Agreement*: A notarized agreement between the Food Truck Operator and the property Owner that states the terms and length of permission to operate a Mobile Food Service Vehicle on their property.
8. *Required Insurance*: You will also be required to show proof of liability insurance coverage in the amount of \$1,000,000.00.
9. All Documents: Should be submitted to Mason City Hall

B. Operational Requirements

1. Hours of Operation: 7:00 AM to 10:00 PM, unless part of a permitted special event of the town.
2. Vendors Must:
 - a. Maintain a clean and litter free area within 20 feet of the truck.
 - b. Provide trash receptacles for customer use.
 - c. Not amplify sound or music which could disturb nearby residents or businesses.
 - d. Not connect to public utilities without prior written approval.
 - e. Display Town permit and Owner contact information in public view.
 - f. Not use of open flame cooking within the truck, unless it is a cooking unit designed specifically for food truck use.
 - g. Must carry an emergency Spill kit with a bucket.
3. Permits are valid only at the location approved on the Permit Application.

C. Location Restrictions

1. Food Trucks:
 - a. Must be located only in the area approved by the permit.
 - b. Must be at least 200 feet from any brick-and-mortar restaurant.
 - c. Must be at least 400 feet from a school during school hours.
 - d. Must not be located in a residential zone, unless preapproved by the city for a special event.
2. *Public Property*. Food Trucks may operate on City property where there is a commercial, office, education, or industrial use only, unless authorized by the Town of Mason.

D. Inspections and Enforcement

1. *Food Trucks* must obtain an inspection certificate from the Fire Marshall (or his designated Inspector of the Municipality) to ensure that all equipment and vehicle are up to fire code safety laws. Food Trucks must also obtain a health inspection certificate from the local Health Dept. **Violations** of either or could result in fines up to \$500.00 per violation. Any other violations of the steps/certificates that are required herein may also result in fines and suspension of selling privileges.
2. *Food Trucks* must contact the city at least 5 days in advance of an event to request to be added to the venue or food vendor list. The required paperwork and fees required should be obtained before the day of the event and be approved by the city.

E. Exemptions and Process

1. *Temporary Vendors* at a special city permitted event may be exempt from some or all of the requirements, except for their resale number, business license, health inspection and insurance rider. A temporary Food Vendor, setting up for an approved number of days, may be issued a *Peddlers Permit*, which will require the amount per day charge that is specified on the Application received from City Hall.
2. Whereas it is not our intent to dissuade anyone from exercising free business enterprise with unnecessary rules or regulations but moreover to ensure a fair system for all Vendors and to protect the welfare of our community.

Article 10 – Definitions shall be amended by adding the following definitions pertaining to *Mobile Food Vendors (Food Trucks)*.

“Food Truck”: A mobile food unit equipped to cook, prepare, and serve food.

“Food Truck Rallies”: A coordinated and advertised gathering of more than 4 Food Trucks in one location.

“Food Truck Location”: A single property parcel and all other properties contiguous and controlled by a single entity.

“Mobile Food Kitchen”: A licensed commercial kitchen where food trucks may store and prepare food.

“Mobile Food Service Vehicle”: A Food Truck or Ice Cream Truck or and a truck that includes any other portable unit that is attached to a motorized vehicle.

“Mobile Food Vendor”: A person or business that prepares and sells food or beverages from a self-contained motorized or towed vehicle.

“Mobile Food Operator”: Any person owning, operating or permitted to operate a Mobile Food Service Vehicle.

BE IT FURTHER ORDAINED that this Ordinance shall become effective 15 days after the second reading, the public welfare so requiring it.

MAYOR

City Recorder

First Reading: _____

Public Hearing: _____

Second Reading: _____

Planning Commission Approval/Recommendation: August 11, 2025