

# Unlawful Roadside and Sidewalk Food Vending Operations in Santa Barbara County



*Photo credit: City of Santa Barbara*



## A complex pr



## Passage of Senate Bill 946: Sidewalk Vending

Defined as: *A person who sells food or merchandise from a pushcart, stand, display, pedal-driven cart, wagon showcase, rack, or other non-motorized conveyance upon a public sidewalk or other pedestrian path.*

Establishes parameters for regulation.

Intent to decriminalize sidewalk vending no criminal citations only administrative/civil.

And to promote entrepreneurship and accessibility into the local economy.



**LA STREET  
VENDOR  
CAMPAIGN**



## SB 946: Sidewalk Vending

Ends criminalization of sidewalk vending in California and allows authorities to develop non-criminal laws to protect public health, safety, and welfare.

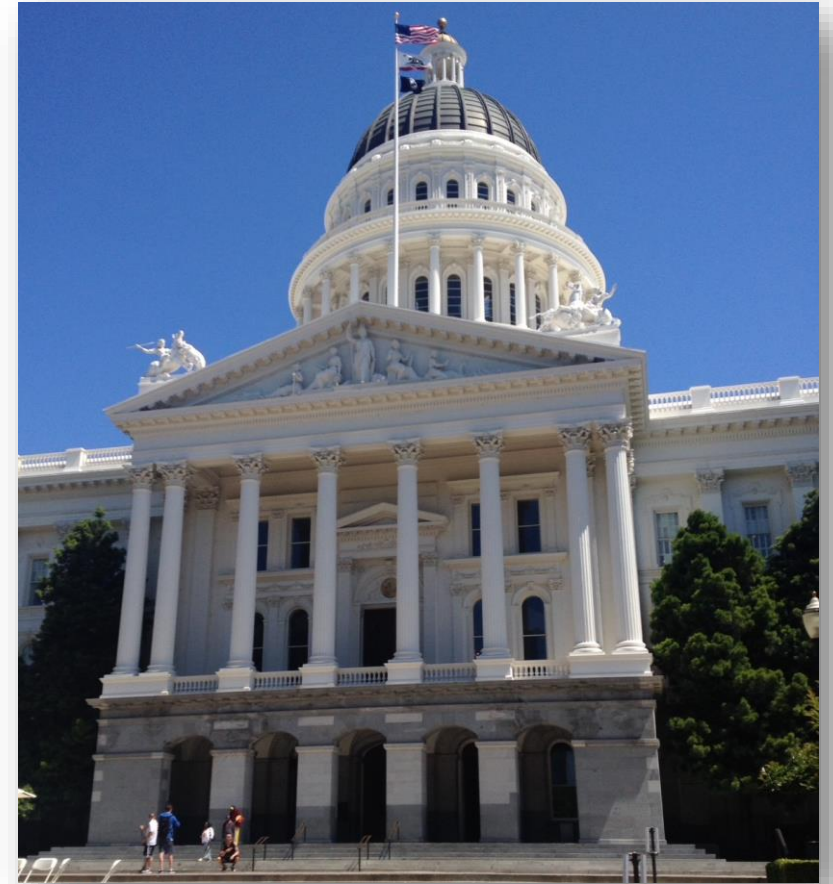
### Local Authorities Can:

- Limit hours of operation
- Prohibit stationary sidewalk vending in residential areas
- Prohibit sidewalk vending near farmers' markets, swap meets, and temporary special permit areas

Require vendors to comply with the Americans with Disability Act (for example, vendors cannot block curb ramps).

Require a permit or license.

Request certain information about the business' operations (name, mailing address, type of sale).



## SB 946: Sidewalk Vending

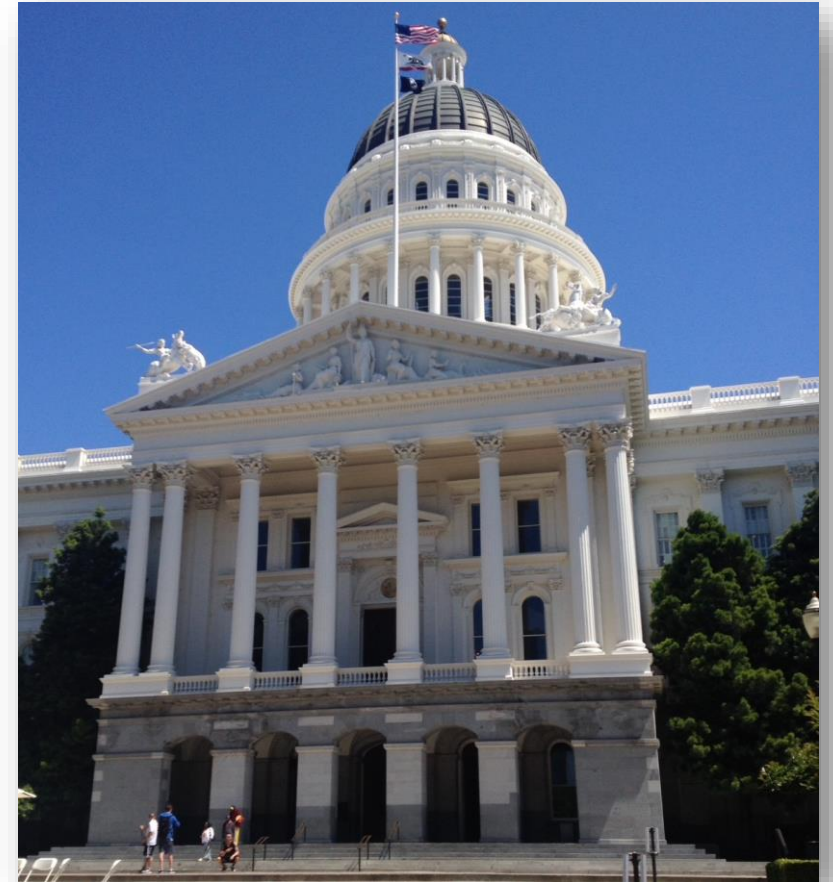
### Here is what local authorities **CAN'T** do:

Require sidewalk vendors to operate in a specific area, unless the local authority is restricting vending to protect the community's health, safety, or welfare.

Require vendors to ask permission from businesses or anyone besides the government.

Prohibit sidewalk vendors from operating in public parks, unless the park has a concession agreement, or the park is restricting vending in to protect the community's health, safety, or welfare.

Restrict the number of sidewalk vendors, unless limitation of the number of vendors is to protect the community's health, safety, or welfare.



# SB 972: Compact Mobile Food Operations

**Updates CA Retail Food Code as of January 2023**

Generally, allows for an expanded definition of “limited food preparation” and makes it easier for food carts to obtain a Health Permit.

Exempts food vendors with small quantities of whole fruit and prepackaged food.

Environmental Health issues permits for CMFO.

1. Sidewalk food vendors are now Compact Mobile Food Operations or:

# CMFOs

COMPACT MOBILE FOOD OPERATIONS



Push cart



Stand



Pedal-cart



Wagon

Note:  
Temporary restaurants also known as pop-ups are not considered CMFOs and are not permitted under the law. Pop-ups may include food preparation and stationary tables with an overhead canopy.





# Environmental Health & Safety Concerns for Unlawful Vendors

- Food safety & sanitation concerns





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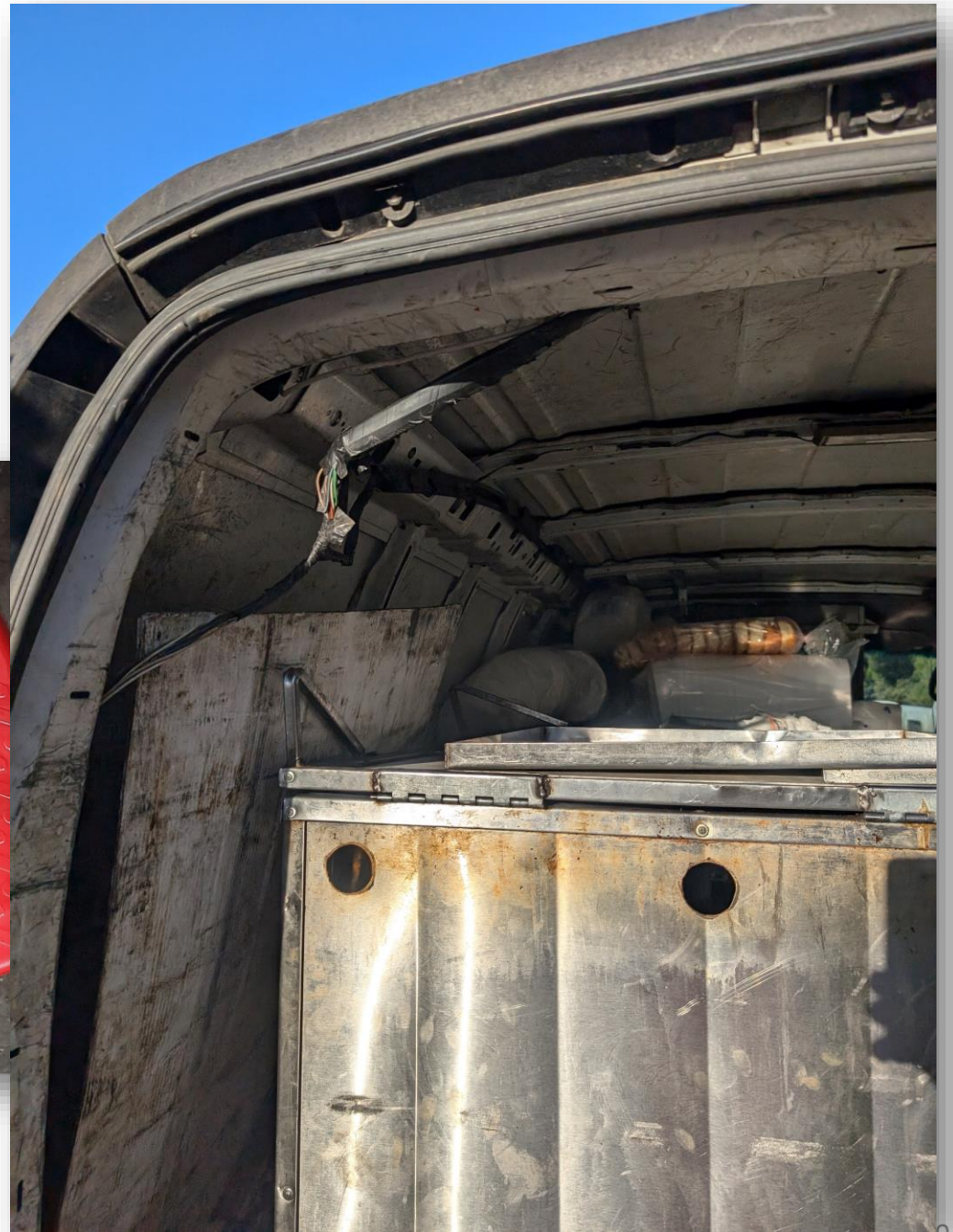
- Food safety & sanitation concerns – interior of vehicles that store and transport food





# Environmental Health & Safety Concerns for Unlawful Vendors

- Food safety & sanitation concerns – “kitchen” conditions





# Environmental Health & Safety Concerns for Unlawful Vendors

- Food safety & sanitation concerns –  
“kitchen” conditions



# Citation Process for Environmental Health & Safety Violations

ental

Santa Barbara County  
**PUBLIC Health**  
DEPARTMENT

Mohamad Hammami Director  
Gustavo A. Mejia, CPA Interim Chief Financial Officer  
Rynn Schumacher Interim Deputy Director  
Darin Eisenhardt Deputy Director  
Dana Gamble, LCSW Deputy Director  
Dr. Noemi Deonhan Medical Director

Environmental Health Services  
225 Camino del Remedio • Santa Barbara, CA 93110  
805/681-4900 • FAX 805/681-4901  
2125 S. Centerpointe Pkwy. #333 • Santa Maria, CA 93455-1340  
805/346-8460 • FAX 805/346-8485  
Lara Salters Director of Environmental Health

**NOTICE OF VIOLATION / Aviso de Violación**  
Sale or Distribution of Food or Beverages without a Health Permit  
Venta o Distribución de Comida Sin Permiso de Salud

Violation Location / Ubicación de la Violación: Corner of Re Fugio and Hwy 2316  
Date/Time / Fecha/Hora: 8/6/21 @ 7:50 PM  
Vendor Name / Nombre del Vendedor: Hugo  
Business Owner / Dueño del negocio: Emily  
Business Owner Address / Domicilio: Not provided.  
Phone # / Teléfono: (562) [redacted]  
Phone # / Teléfono: (562) [redacted]

Code/Código	Title/Chapter	Section & Description
California Health and Safety Code Codigo de Salud y Seguridad de California	California Retail Food Code (CRFC) Codigo de alimentos minoristas de California	114381: Health Permit required 114381: Permiso de salud requerido
Santa Barbara County Ordinance Ordenanza de Condado de Santa Barbara	Chapter 16 Capítulo 16	16-19: California Retail Food Code adopted 16-19: Se adopto el código de venta minorista de alimentos de California 16-23: Health Permit required 16-23: Permiso de salud requerido

In order to comply with this notice, you must **Immediately stop selling, serving or giving away food to the public.**  
Para cumplir con este aviso, usted debe: **Parar de vender, servir, o regalar comida al público inmediatamente.**

Failure to comply may result in additional legal action, including but not limited to impoundment of food and/or equipment and administrative fines (CRFC Sections 114387 and 114393). El incumplimiento puede dar lugar acciones legales adicionales, que incluyen, entre otras, la incautación de alimentos y/o equipos, y multas.

On this date, Environmental Health Services observed the following: Next operation  
En esta fecha, empleados de los servicios de salud ambiental observaron lo siguiente: Next operation

Handmade corn tortillas, vertical broiler cooking pork, grilled sausage.  
Steam table heating chicken, onions, jalapeno. "Disco" contains tripe, beef  
Agua Fresca (fruit), salsas not on ice, precut cilantro, cebolla, cucumber.

Food Source Information/ Información sobre la fuente de alimentos (CRFC 113735): Los Angeles (nothing else provided)

Temperature Controls for Potentially Hazardous Foods/ Controles de temperatura para comidas potencialmente peligrosas (CRFC 113996): Insulated container, ice. [Note: Hugo was told that upon next violation will result in administrative fines.]

Handwashing / Lavamanos (CRFC Article 4): No hand washing. No utensil washing

Utensil Washing / Lavado de utensilios (CRFC 114313): No hand washing. No utensil washing

If you have any questions, please contact Environmental Health Services / Si tiene alguna pregunta, por favor de contactar los servicios de salud ambiental al: (805) 681-4900 (Santa Barbara) or by email / o por correo electrónico a: [phdeshweb@sbcphd.org](mailto:phdeshweb@sbcphd.org)

The signing of this Notice is not an admission of guilt but an acknowledgement of receipt.  
La firma de este aviso no es una admisión de culpa sino un acuse de recibo

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Signature / Firma: [Signature]  
Environmental Health Specialist  
Especialista de Salud Ambiental

REV 3.15.2024



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**NOTICE OF VIOLATION / Aviso de Violación**  
**Sale or Distribution of Food or Beverages without a Health Permit**  
**Venta o Distribución de Comida Sin Permiso de Salud**

Date/Time / Fecha/Hora: **8/8/24 @ 9:11 PM** Violation Location / Ubicación de la Violación: **Corner of Refugio and Hwy 238**

Vendor Name / Nombre del Vendedor: **Hugo [redacted]** Phone # / Teléfono: **[redacted]**

Business Owner / Dueño del negocio: **Emily [redacted]** Phone # / Teléfono: **(562) [redacted]**

Business Owner Address / Domicilio: **Not Provided**

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On this date, Environmental Health Services observed the following:  
En esta fecha, empleados de los servicios de salud ambiental observaron lo siguiente:

**Operators were told to cease operations at 7:50 PM. They packed up and left, and returned at approx. 9:11 PM. Hugo [redacted] refused to cease operations (to the same location). Hugo [redacted] told that**

**Los Angeles (nothing else provided)** **administrative fines will be result-enforced on future violations.**

Food Source Information/ Información sobre la fuente de alimentos (CRFC 113735):  
**Insulated container. Ice**

Temperature Controls for Potentially Hazardous Foods/ Controles de temperatura para comidas potencialmente peligrosas (CRFC 113996):  
**No handwashing.**  
**No utensil washing**

Handwashing / Lavamanos (CRFC Article 4):  
Utensil Washing / Lavado de utensilios (CRFC 114313):

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Signature / Firma: **[redacted]**

**Refused to Sign**  
Environmental Health Specialist  
Especialista de Salud Ambiental

# Public Safety Concerns

- Fire, open-flame,



*Photo credit: Santa Barbara Sheriff's Office*





# Public Safety Concerns

- Fire, open-flame, propane, and hazardous materials



*Photo credit: County of Santa Barbara; and authorized use from 3<sup>rd</sup> District residents*



# Public Safety Concerns

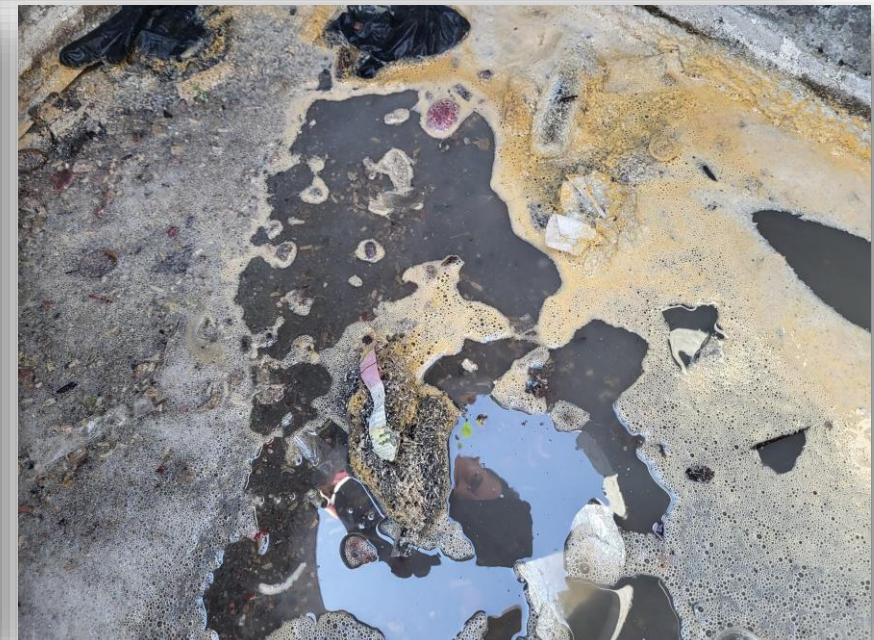
- Roadside and traffic safety
- ADA encroachments





# Other Concerns

- Dumping of grease, other materials nearby waterways and creeks
- Lights, noise, litter, and other nuisances





## Other Concerns

- Unfair business practices, labor and tax collection





## Task-Force

- Identify common ground
- Align enforcement efforts
- Share resources
- Consistent enforcement practices
- Pinpoint helpful changes for state legislation
- Joint messaging to discourage patronage

