

ATTACHMENT E: SANTA BARBARA COUNTY CODE AMENDMENT AND ADDITION OF NEW CHAPTER

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE SANTA BARBARA COUNTY CODE CHAPTER 22, SECTION 22-8, ADDING A NEW SECTION, SECTION 30-31.5, TO CHAPTER 30, AND ADDING A NEW CHAPTER, CHAPTER 52, TO THE SANTA BARBARA COUNTY CODE TO IMPLEMENT REGULATIONS REGARDING SIDEWALK VENDING COUNTYWIDE.

The Board of Supervisors of the County of Santa Barbara, State of California, ordains as follows:

SECTION 1:

ARTICLE 1, In General, SECTION 22-8, Parking vehicles on roads, beaches, etc., for purpose of transacting business prohibited*, of Chapter 22, Licenses, of the Santa Barbara County Code, is hereby amended to read as follows:

Sec. 22-8. Parking vehicles on roads, beaches, etc., for purpose of transacting business prohibited.*

It shall be unlawful for any person to put up a stand, table, or other container, on wheels, or park any truck, automobile or wagon on any street, road, highway or beach of the unincorporated area of the county for the purpose of selling therefrom or taking orders for any goods, wares, merchandise, fruits, vegetables, fish, meat, candy, popcorn, raw or prepared foods, except as provided in Chapter 16, Article III, County Retail Food Code.

*As to motor vehicles and traffic generally, see ch. 23 of this Code. As to parks and recreation generally, see ch. 26.

SECTION 2:

ARTICLE V, Transient Merchants, Itinerant Merchants, Itinerant Vendors, of Chapter 30, Solicitors and Peddlers, of the Santa Barbara County Code, is hereby amended to add a new Section 30-31.5, Applicability, to renumber the subsequent Sections accordingly, and to read as follows:

Sec. 30-31.5 Applicability

This article shall apply to all transient merchants, itinerant merchants, and itinerant vendors conducting business in the unincorporated county, except that it shall not apply to sidewalk vendors as defined and regulated under Chapter 52, Sidewalk Vending Ordinance.

SECTION 3:

Chapter 52 is hereby added to the Santa Barbara County Code to read as follows:

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CHAPTER 52 SIDEWALK VENDING ORDINANCE

Sec. 52-1. Purpose, authority, and findings.

- (a) The purpose of this Chapter is to regulate sidewalk vendors to enhance entrepreneurship while securing the protection of public health, safety, and welfare in accordance with Government Code sections 51036 through 51039 and successor statutes. This Chapter shall be known as the "Sidewalk Vending Ordinance."
- (b) The County finds:
 - (1) That the vending of produce, prepared or prepackaged foods or beverages, goods, and/or wares on sidewalks may pose unsafe conditions and special dangers to the public health, safety and welfare of the residents of the County.
 - (2) Prohibiting sidewalk vendors within five hundred (500) feet of schools during school hours and pick up and drop off hours when children are present is necessary to protect the health and safety of school children, since sidewalk vendors operating in close proximity to schools may attract unsupervised children to run into traffic to reach a sidewalk vendor, exposing them to potential injury.
 - (3) The activities of sidewalk vendors have the potential to cause injury to persons or property by the manner in which they are sited, or by their movement on sidewalks that are otherwise used by the traditional activities of pedestrians and vehicles on adjacent streets for access, transport, delivery of merchandise to local businesses, exercise and related activities. Sidewalks are of limited width, and vehicles park adjacent to them, and therefore the location of stationary sidewalk vendors must be carefully evaluated on a case-by-case basis and regulated so they are an appropriate distance from street features, benches, landscaping, do not create conflicts with people exiting parked vehicles or restrict the use of sidewalks, including Americans with Disabilities Act (ADA) ramps at intersections.
 - (4) Prohibiting sidewalk vending in streets and medians is necessary to protect the health and safety of vendors and their patrons, because they are at risk of being struck by vehicles and/or causing vehicular accidents if vending occurs in streets or medians.
 - (5) Limiting sidewalk vendors' hours of operation within residential neighborhoods to specific daylight hours consistent with a residential atmosphere is necessary to protect the safety of sidewalk vendors and residents who would be more vulnerable to criminal activities during evening hours, and to promote the welfare of the residents by prohibiting commercial activities and associated noise and traffic during hours when residents should be able to enjoy peace and quiet.

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- (6) Prohibiting stationary sidewalk vendors in residential neighborhoods and limiting the amount of time a roaming sidewalk vendor may stay in one location within a residential neighborhood is necessary for the welfare of the residents of the County. Allowing sidewalk vendors to operate at a fixed location in a residential neighborhood would subject the residents to increased noise and traffic, which may be appropriate in commercial areas, but will interfere with the peace and quiet that residents should enjoy while in their homes.
- (7) Prohibiting sidewalk vendors from operating within five hundred (500) feet from freeway on-ramps and off-ramps will reduce unnecessary or unanticipated slowing of vehicles (i) approaching freeway onramps where vehicular traffic immediately adjacent to the curb and sidewalk is most frequently crowded with vehicles, and (ii) exiting freeway offramps where drivers merging into oncoming traffic often have their attention focused in the direction of on-coming traffic and away from the vehicles ahead of them such that unexpected slowing of vehicles ahead is more likely to result in accidents and injuries. Prohibition of sidewalk vending within five hundred (500) feet of such areas will reduce the likelihood of such unexpected slowing in those areas and protect the health, safety and welfare of the vendor, customer, and motorists, as it reduces the likelihood of accidents in those critical areas.
- (8) Prohibiting sidewalk vendors from operating within fifteen (15) feet from street intersections will ensure that such vending does not impede visual line-of-sight of drivers approaching intersections. In this way, the prohibition protects the health, safety and welfare of the driving public as well as pedestrians, and sidewalk vendors and their customers.
- (9) Prohibiting sidewalk vendors from using sound amplifying devices is necessary to protect the welfare of residents and visitors to the County by preventing excessive noise from disturbing the peace and quiet of residential areas or from an accumulation of excessive noise in commercial and other area. Further, sound amplifying devices may cause traffic hazards by distracting drivers resulting in automobile accidents and harm to pedestrians, so prohibiting their use is necessary for the health and safety of motorists and pedestrians.
- (10) Prohibiting sidewalk vendors from operating within eighteen (18) inches from the edge of the curb or within ten (10) feet of a driveway or marked crosswalk is necessary to protect the health, safety and welfare of the vendor, customer, and motorists, as it reduces exposure to pedestrian versus vehicle contact, and ensures better visibility for drivers of vehicles entering or exiting driveways.

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Sec. 52-2. Definitions.

The following words and phrases, whenever used in this Chapter, shall have the meanings defined in this section unless otherwise stated. These definitions shall only apply for purposes of this Chapter and shall not be applied to other Chapters of the Santa Barbara County Code:

- (a) "Conveyance" means any non-motorized wheeled device used to carry persons or property and includes but is not limited to pushcarts, pedal-driven carts, and wagons.
- (b) "Display" means a table, rack, stand, or other equipment or device used to display food or goods and to otherwise conduct vending operations.
- (c) "Goods" means items, personal property, merchandise, or any other similar items that are generally sold, including food and beverages.
- (d) "Permitted event" means any event that has a County-issued special event permit, use permit, or equivalent permit authorizing the temporary use of County-owned or controlled property including for farmer's markets, street fairs, and similar outdoor events.
- (e) "Portable cooking equipment" means any appliance used to heat, cook, or prepare food or beverages by a sidewalk vendor.
- (f) "Roaming sidewalk vendor" means a sidewalk vendor who moves from place to place and stops only to complete a transaction.
- (g) "Services" are activities involving the performance of work for others or the provision of intangible items that cannot be returned once they are provided such as hair braiding, face painting, and massage.
- (h) "Sidewalk" means a public park, a paved public path provided for the use of pedestrians, or public parking strip maintained in the area between the property line and the street line, and includes curbing, bulkheads, retaining walls or other works for the protection of any sidewalk or of any such park or parking strip.
- (i) "Sidewalk vendor" means a person who sells goods and/or food from a vending cart, or from one's own person, exclusively upon a sidewalk. Sidewalk vendor does not include any person who is selling services. A sidewalk vendor shall also not include any vendor whose operation (including location of vendor, equipment, vending cart, merchandise/food, display area, or queue of customers) takes place in or upon any portion of a street, alley, parking lot or structure, dedicated bicycle path/lane, or any other public right-of-way used in whole or in part for motor vehicle travel, nor in or upon any unpaved sidewalk, parkway, roadway median, crosswalk, freeway on-ramp, or any privately-owned real property.
- (j) "Sidewalk vending" means the act of selling food or goods from a vending cart, or from one's own person, exclusively upon a sidewalk.
- (k) "Stationary sidewalk vendor" means a sidewalk vendor who vends from a fixed location.

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- (l) “Vending cart” means a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other nonmotorized conveyance, or one’s person.

Sec. 52-3. Applicability.

This Chapter applies to sidewalk vending on sidewalks that are owned or controlled by the County except as provided in Section 52-6, below.

Sec. 52-4. Permits and Business License Required.

- (a) Prior to sidewalk vending in the unincorporated area of the County of Santa Barbara (County) the following is required:
 - (1) A seller’s permit pursuant to the California Revenue and Taxation Code section 6066 et. seq. or successor statute; and
 - (2) A general business license pursuant to Chapter 22 of the Santa Barbara County Code, except for inquiring or collecting the information prohibited by Government Code section 51038.
- (b) For a sidewalk vendor who intends to sell food or beverages, a Health Permit pursuant to Article III of Chapter 16 of the Santa Barbara County Code shall be required in addition to the permits and business license required under Section 52-4(a), above.

Sec. 52-5. General Requirements.

Sidewalk vendors shall comply with the following general requirements in this Section in addition to all other applicable local, state, and federal laws:

- (a) Roaming sidewalk vendors may vend in residential zones only between the hours of 7:00 a.m. and 7:00 p.m. Only roaming sidewalk vendors may operate in residential zones.
- (b) Vending activities in non-residential zones may occur only between the hours of 6:00 a.m. and 8:00 p.m. or the hours of operation imposed on other businesses on the same block, whichever is least restrictive.
- (c) Sidewalk vendors shall only use one (1) vending cart to conduct operations. No food or goods may be displayed on the ground. Sidewalk vendors shall not set up tables or chairs for customer use. One (1) chair or stool may be used by a stationary sidewalk vendor for personal use. The one (1) authorized vending cart shall not exceed a length of seventy-four (74) inches, a width of thirty-four (34) inches, or a height of eighty (80) inches.
- (d) Sidewalk vendors shall not use a freestanding shade or weather canopy but may use one (1) umbrella with a diameter not to exceed forty-eight (48) inches.
- (e) Freestanding signs are prohibited. The one (1) authorized vending cart may have affixed signs advertising the sidewalk vendor and food or goods vended.
- (f) No amplified sound-making devices shall be used while vending such as speakers, microphones, and public address systems.

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- (g) Sidewalk vendors shall not litter and must keep the area surrounding the vending space clean and free of trash and debris associated with their vending. All waste generated by the preparation or service of food or other goods shall be maintained within the vending cart, or under the table or stand, until properly disposed of in a receptacle that is lawfully for use by the sidewalk vendor. Sidewalk vendors may not use receptacles placed for public convenience as a means of disposal.
- (h) Sidewalk vendors shall not connect any equipment or device to an external source of power, water, or any other utilities located on public property.
- (i) Sidewalk vendors shall not vend services or rent goods.
- (j) Sidewalk vendors shall display only food and/or goods that are available for immediate on-site sale.

Sec.52-6. Vending Locations.

Sidewalk vendors shall comply with the following locational requirements:

- (a) Sidewalk vendors shall not vend on any County-owned or -controlled property that is not a sidewalk unless authorized by the County.
- (b) Sidewalk vendors shall not vend on any sidewalk within any public park if the County has an existing concession agreement with a concessionaire in that area so long as proper notice is provided of the prohibited location(s).
- (c) Stationary sidewalk vendors shall not occupy the area directly in front of a transparent window of a building fronting a public street.
- (d) The distance of the locations set forth in Section 52-6(e), below, shall be measured along a sidewalk as the closest point between the places to be measured. When a distance is being measured between the one (1) authorized vending conveyance or display and the entrance to a location, the measurement is made to the point where the pathway to the entrance intersects the sidewalk. When a distance is measured to a school or other building or facility, the measurement is made to the exterior boundary of the grounds on which the school or other building or facility is located.
- (e) No stationary sidewalk vendor shall vend, and no roaming sidewalk vendor shall stop to make sales, in the following locations:
 - (1) Within eighteen (18) inches from the edge of a curb;
 - (2) Within ten (10) feet of a driveway or marked crosswalk;
 - (3) Within fifteen (15) feet of any of the following:
 - i. Another sidewalk vendor;
 - ii. Fire hydrant;
 - iii. Intersection;

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- iv. Building entrance or exist during the hours in which the business is open to the public;
 - v. Loading zone, parking space, or access ramp designed for individuals with disabilities;
 - vi. Outdoor dining or patio area;
 - vii. Public restroom; or
 - viii. Curb ramp;
- (4) Within fifty (50) feet of any railroad crossing;
 - (5) Within one hundred (100) feet of the vehicle entrance of any fire station, police department, hospital, or any other structure dedicated to health and safety emergency matters;
 - (6) Within five hundred (500) feet of any permitted event or any school during school hours and within thirty (30) minutes before or after the school's opening or closing hours;
 - (7) On a multi-use path that is intended for off-street bicycle travel;
 - (8) On any County-owned or -controlled property subject to a lease agreement so long as proper notice is provided of the prohibited location(s);
 - (9) On a beach;
 - (10) In any portion of the public right-of-way that is not a sidewalk, including but not limited to, road shoulders and medians;
 - (11) On the right-of-way of any freeway, including any on ramp, off ramp, or roadway shoulder which lies within the right-of-way of the freeway;
 - (12) On any roadway or adjacent shoulder within five hundred (500) feet of a freeway; or
 - (13) On any sidewalk within five hundred (500) feet of a freeway off ramp or on ramp.

Sec. 52-7. Vending of Food and Beverages.

Sidewalk vendors who vend food or beverages shall comply with the following requirements:

- (a) All requirements of the Environmental Health Services Division applicable to the sidewalk vending.
- (b) A trash receptacle shall be provided for customers that must be large enough to accommodate customer trash and regularly emptied. All waste shall be disposed of, including waste generated from the preparation of food or beverages and customer trash, in a proper receptacle that is lawfully available for use by the vendor. Sidewalk vendors may not use receptacles placed for public convenience as a means of disposal.
- (c) Hand sanitizer shall be provided in a conspicuous location readily available for use by

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customers.

- (d) Stationary sidewalk vendors that vend food for one hour or more shall operate within two hundred (200) feet of a readily available public toilet and handwashing facility as required by California Health and Safety Code section 114315 or successor statute.
- (e) Sidewalk vendors with required valid permits from the County Environmental Health Division, such as a Mobile Food Facilities permit, may use portable cooking equipment authorized by such permits in compliance with the California Retail Food Code, provided that such equipment is used in compliance with the manufacturer's instructions and all applicable County Fire Code regulations.

Sec. 52-8. Prohibited Sales.

Sidewalk vendors are prohibited from vending the following:

- (a) Alcoholic beverages;
- (b) Tobacco and tobacco products, including vaping products;
- (c) Smoking and drug related paraphernalia, not including apparel;
- (d) Cannabis and cannabis products;
- (e) Weapons, real or imitation, including but not limited to knives, guns, and explosive devices;
- (f) Pharmaceuticals;
- (g) Live animals;
- (h) Harmful materials to minors as defined in Section 24-33 of the Santa Barbara County Code; and
- (i) Other products prohibited by local, state and federal laws.

Sec. 52-9. Enforcement.

- (a) A sidewalk vendor's noncompliance with any applicable requirement of this Chapter constitutes a violation and a public nuisance.
- (b) The Environmental Health Services Division is responsible for the enforcement of this Chapter. Any other County department enforcing the Santa Barbara County Code, and state or federal laws, may assist the Environmental Health Services Division in enforcement of this Chapter.
- (c) The Environmental Health Services Division may promulgate administrative guidelines and regulations to implement and enforce the provisions of this Chapter.
- (d) A sidewalk vendor who is notified by a County official that the vendor is in violation of this Chapter must immediately cease and abate the violation if directed to do so by the County official and shall be subject to the penalties set forth in Section 52-10, below.

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Sec. 52-10. Penalties.

- (a) Any violation of this Chapter shall be penalized as follows:
 - (1) A written administrative warning for a first violation.
 - (2) An administrative fine of two hundred dollars (\$200) for a second violation within one year of the first violation.
 - (3) An administrative fine of five hundred dollars (\$500) for a third and each subsequent violation within one year of the first violation.
 - (4) Upon the fourth or subsequent violation, the County may revoke the business license, seller's permit, and/or health permit for its remaining term.
- (b) The County shall provide a sidewalk vendor with written notice of a violation and notice of administrative warning or fine which are collectively referred to as a "Notice of Violation" in this Section. A Notice of Violation shall:
 - (1) Identify all violations and amount of administrative fine, if any;
 - (2) Be provided to the sidewalk vendor in person or mailed to the address listed on a permittee's most recent business license, seller's permit, or health permit application or such other address provided by the sidewalk vendor; and
 - (3) Notify the sidewalk vendor of the right to request an ability-to-pay determination pursuant to Section 52-10(c), below.
 - (4) Notify the sidewalk vendor of the right to a hearing to appeal the Notice of Violation as set forth in Section 52-10(d), below.
- (c) When assessing fines pursuant to this Section, the County will consider the person's ability to pay and will provide the person with notice of their right to request an ability-to-pay determination. If the person requests such a determination, and they meet the criteria set forth in California Government Code section 68632(a) or (b), or any successor statute, the County will accept, in full satisfaction, 20 percent of the administrative fine imposed pursuant to this Chapter. A person may request such an ability-to-pay determination, and reduction in an imposed administrative fine, at any time the fine remains unpaid. The County may allow the person to complete community service in lieu of paying an administrative fine.
- (d) Amounts owed under this Chapter which are not paid to the County when due will constitute a debt to the County that may be collected in compliance with the Santa Barbara County Code through a civil action, a lien against any property owned or operated by the debtor, or any other legal remedy.

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Sec. 52-11. Impoundment of Food, Goods, and Vending Equipment.

- (a) In addition to assessing administrative warnings and fines for violations pursuant to Section 52-10, above, the County may impound a sidewalk vendor's food, goods, and/or vending equipment under the following circumstances:
 - (1) If a sidewalk vendor is notified by a County official that the vendor is violating this Chapter in a manner that presents an imminent threat or hazard to public health or safety pursuant to California Health and Safety Code section 114393 or successor statute, and the sidewalk vendor is directed to immediately cease and abate the violation, but the vendor fails or refuses to immediately do so; or
 - (2) If a sidewalk vendor leaves their food, goods, and/or vending equipment or unattended for one (1) hour or more.
- (b) Upon impoundment, the County may immediately dispose of impounded food, goods, or vending equipment that cannot be safely stored by the County or that are perishable.
- (c) Impounded food, goods, and vending equipment shall be stored at a location designated by the County and may be retrieved by the sidewalk vendor during normal business hours beginning the next business day following impoundment. The County shall provide reasonable notice to sidewalk vendors of the impoundment and property reclamation process, including their right to appeal the impoundment decision pursuant to Section 52-11(e) below, which notice may be provided in-person upon impoundment, by posting in a prominent location on the County's website, or by written notice distributed to sidewalk vendors in connection with the issuance or renewal of a business license, seller's permit, and/or health permit.
- (d) Impounded food, goods, and/or vending equipment shall be released to a sidewalk vendor upon proper identification of the property and execution by the vendor of a statement under penalty of perjury declaring ownership of the property, and payment for the County's reasonable impoundment and storage costs incurred.
- (e) If the sidewalk vendor from whom vending equipment is impounded disputes the basis for impoundment, the sidewalk vendor may file a written notice of appeal on the form provided with the County Health Director or designee within fifteen (15) calendar days after the date of impoundment. Failure to file a timely appeal shall result in the County's impoundment decision becoming final. The hearing shall be held within fifteen (15) calendar days of the County's receipt of a request for a hearing. The County Executive Officer or designee shall appoint a disinterested hearing officer to hold a fair and impartial appeal hearing and shall issue a written determination after the close of the hearing. Decisions by the County hearing officer are final and non-appealable. If the vendor prevails in the appeal, they shall not be required to pay for the County's reasonable impoundment and storage costs and shall be refunded any such costs already paid.

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- (f) Any unclaimed food, goods, and vending equipment will be considered abandoned and forfeited to the County after thirty (30) days following removal pursuant to California Health and Safety Code section 114393(c).

SECTION 4: Severability.

If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board of Supervisors hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

SECTION 5: Subsequent Legislation.

If legislation is enacted which would supersede or preempt any section or subsection of this Ordinance, then the Board of Supervisors deems that section or subsection null and void and this Ordinance shall remain in full force and effect without said section or subsection.

SECTION 6: CEQA.

This Ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment), and section 15060(c)(3) (the activity is not a project as defined in section 15378 of the CEQA Guidelines, because it has no potential for resulting in physical change to the environment, directly or indirectly.)

SECTION 7: Existing County Code.

The addition of Chapter 30 section 30-31.5 and Chapter 52 are meant to supplement, not amend, any existing provision of the County Code. In the event a conflict arises between a provision of the County Code and any provision of Chapter 30 section 30-31.5 and Chapter 52, Chapter 30 section 30-31.5 and Chapter 52 shall prevail.

SECTION 8: Effective Date.

This Ordinance shall take effect and become operative 30 days from the date of its adoption by the Board of Supervisors. Before the expiration of 15 days after passage of this Ordinance a summary of it shall be published once together with the names of the members of the Board of Supervisors voting for and against the same in a newspaper of general circulation published in the County of Santa Barbara.

PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this _____ day of _____, 2026, by the following vote:

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AYES:

NOES:

ABSTAIN:

ABSENT:

BOB NELSON, CHAIR
BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA

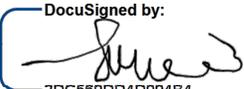
ATTEST:

MONA MIYASATO, COUNTY EXECUTIVE OFFICER
CLERK OF THE BOARD

By _____
Deputy Clerk

APPROVED AS TO FORM:

RACHEL VAN MULLEM
COUNTY COUNSEL

By  _____
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Deputy County Counsel