



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Submitted on:
(COB Stamp)

Department Name: Board of Supervisors
Department No.: 011
Agenda Date: March 4, 2025
Placement: Departmental Agenda
Estimated Time: 30 minutes
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
FROM: Department Director(s): Third District Supervisor Joan Hartmann
Contact Info: Gina Fischer 805-568-2192
SUBJECT: Task Force formation to address unlawful roadside and sidewalk vending

County Counsel Concurrence

As to form: Yes

Other Concurrence:

As to form: N/A

Auditor-Controller Concurrence

As to form: N/A

Recommended Actions:

That the Board of Supervisors:

- a) Direct County staff to select members and convene a regional Task Force, comprised of but not limited to: representatives from relevant County departments (Environmental Health, Public Works, Sheriff, County Fire, and District Attorney); local city representatives, including the City of Santa Barbara, City of Santa Maria; and key stakeholders, including California Highway Patrol, Caltrans, Fish & Wildlife, and County of Ventura, with the goal to collaborate, strategize, and share resources and best practices to address unlawful roadside and sidewalk vending; and
- b) Direct County staff to conduct a comprehensive review of the County Code for the Board's consideration including but not limited to adopting additional time, place, and manner restrictions on sidewalk vendors that are directly related to objective health, safety, or welfare concerns, including:
 - i. Limiting hours of operation that are not unduly restrictive and provided that, in nonresidential areas, any limitations are not more restrictive than limitations on hours of operation for other business in that area;
 - ii. Requirement to maintain sanitary conditions;
 - iii. Requirement to ensure compliance with the American with Disabilities Act of 1990 and any other disability access standards;
 - iv. Requirement to obtain a local permit or business license;

- v. Requirement to possess any additional required state or local agency licenses or permits, such as a valid California Department of Tax and Fee Administration seller's permit;
 - vi. Requirement to comply with any other generally applicable laws;
 - vii. Requiring the vendor to submit to the County information about their operations in accordance with Government Code § 51038(c)(8); and
- c) Report back to the Board with findings, proposed ordinances or resolutions, and implementation plans, including potential resource needs for enforcement and education efforts including a strategy for hazardous food and equipment impoundment; and
- d) Recommend that County Fire to utilize its current authority to regulate sidewalk vendors, as may be applicable, by enforcing County Code Chapter 15 Fire Prevention that adopted the 2022 California Fire Code. This enforcement may include Open Flame restrictions (Section 308), Outdoor Assembly Event limitations (Section 3106), or Tents, Temporary Special Event Structures and Other Membrane Structure operations (Section 3107); and
- e) Direct County staff to develop and disseminate public messages to discourage the public from patronizing unpermitted food operations and to inform the public of health risks of consuming food from unverified sources; and
- f) Direct the County Legislative Committee and state lobbyists to monitor, report, and share relevant information as pertains to other jurisdictions' handling of this issue and to write a letter to our state legislative delegation informing them of the many unintended local consequences of SB 946 and SB 972; and
- g) Determine the proposed actions do not constitute a "Project" within the meaning of the California Environmental Quality Act (CEQA), pursuant to Section 15378(b)(5) of the CEQA Guidelines, because it consists of organizational or administrative activities of government which will not result in direct or indirect physical changes in the environment.

Summary Text:

Unlawful sidewalk and roadside food vending has caused significant challenges for local jurisdictions, including Santa Barbara County. These unregulated operations create public health and safety risks, such as foodborne illnesses, unsanitary conditions, and obstructions to pedestrian pathways, often in violation of ADA standards. Furthermore, these activities undermine the viability of lawful businesses by introducing unfair competition.

The proliferation of unpermitted vending highlights gaps in enforcement, exacerbated by state laws such as SB 946 and SB 972, which limit the tools local governments can use to regulate these activities. Despite SB 972's attempt to modernize food safety regulations and simplify the permitting process for vendors, many unlicensed operators bypass compliance due to minimal enforcement penalties. These challenges necessitate a coordinated response to protect public health, ensure fairness for lawful vendors, and promote compliance with updated regulations.

Background:

In 2018, SB 946 was passed with the goal of empowering sidewalk vendors, particularly those operating within the informal economy. The bill emerged from organized advocacy efforts in Los Angeles, where street vendors were frequently penalized by law enforcement for operating without permits. This led to the decriminalization of sidewalk vending in Los Angeles by the Los Angeles City

Council in 2017. SB 946 subsequently extended these protections statewide, preventing the imposition of criminal penalties for sidewalk vendors and replacing them with administrative fines. The bill was widely seen as a safeguard for low-income and immigrant communities, particularly in the wake of federal immigration efforts ongoing at that time that targeted the prioritization of deportation of undocumented individuals who had even relatively minor criminal offenses, which could include a misdemeanor for sidewalk vending.

However, while SB 946 removed the threat of criminal penalties, it has also made it difficult for local jurisdictions to enforce regulations limiting sidewalk vending. In fact, a person being cited for a violation related to sidewalk vending may legally refuse to provide identification to the citing agency if the enforcement activity pertains to the act of sidewalk vending itself, effectively making enforcement meaningless.

In light of the passage of SB 946, local authorities have the opportunity to update their codes to reflect some time, place, or manner restrictions on sidewalk vending.

Throughout our County and statewide, many vendors have emerged unpermitted, knowing that the most consequence they face is a small administrative fine, therefore they are incentivized to ignore local and state regulations. As a result, there has been widespread noncompliance with vendor programs. Many local governments were opposed to SB 946 for stripping local jurisdictions of meaningful enforcement tools and noted that administrative fines are often too weak of a deterrent for unpermitted vending operations. After the passage of SB 946, sidewalk vendors wanting to sell low-risk food items were still required to be permitted by Environmental Health Services (EHS), but some felt that those permitting requirements posed too much of a burden, so in response to the lack of vendors obtaining EHS certifications or permits, the Legislature responded.

SB 972 was passed in 2022 to modernize the California Retail Food Code or CalCode and simplify the permitting process for sidewalk vendors who want to sell low-risk food items. Sidewalk food vendors—who were legalized under SB 946—were not complying with the provisions of CalCode, and were therefore unable to obtain permits from their local health departments to sell food legally. The goal of SB 972 was to address the barriers vendors faced under long-ago established food safety requirements, such as equipment standards that were designed for food truck operations, but were not applicable to food cart vendors. By easing these health code permitting requirements, SB 972 aimed to further open economic opportunities for low-income vendors and improve public health through better compliance.

Unfortunately, despite these reforms, SB 946 coupled with SB 972, have largely failed to achieve their goals. While it simplified the food handling permit process, few vendors have bothered to go through the legal steps to obtain the necessary permits. In fact, in Santa Barbara County, only two vendors have initiated the mobile food cart permit process with EHS – which is currently the sole permitting agency for both the County and all cities for food vending. One vendor was permitted for selling cut fruit and one for selling pre-packaged ice cream.

The reason for such non-compliance is simple: without meaningful penalties for noncompliance, there is little incentive for vendors to adhere to the new rules. Vendors continue to operate outside the system, knowing that at worst, enforcement is limited to small fines and vendors can legally refuse to identify themselves to citing agencies.

The combined effect of SB 946 and SB 972 has left local governments in a difficult position. Without the ability to meaningfully enforce regulations, unpermitted and potentially unsafe food vending continues to proliferate. This situation calls for a coordinated response among local jurisdictions—both cities and counties—to create a unified strategy that balances the rights of vendors with the need to protect public health and safety. Collaboration is essential to ensure that the original intent of these laws is realized while addressing the real-world consequences that have emerged.

In addition to public health and safety concerns, unlawful food vending raises significant issues related to fire hazards, including the use of open flames, propane, and other hazardous materials. These operations contribute to roadway and traffic safety concerns, illegal dumping of grease and waste into gutters and storm drains, nuisance lighting, and unfair business practices. Additionally, they present challenges related to labor violations and tax collection, further exacerbating their impact on the community and permitted businesses.

Performance Measure:

Contract Renewals:

Fiscal and Facilities Impacts:

Fiscal Analysis:

Staffing Impacts:

Position Request Summary:

Special Instructions:

Attachments:

Authored by:

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Office of Third District Supervisor