

# UNPERMITTED STREET FOOD VENDORS IN SANTA BARBARA COUNTY

## SUMMARY

Food vendors in Santa Barbara County are required to follow food safety laws to ensure the safety of their products. In recent years, however, the presence of unpermitted street food vendors—push carts, food trucks, and tented restaurants—operating in Santa Barbara County has become widespread. Their unprecedented growth threatens not only the economic vitality of permitted restaurants and food trucks in the region, but, most importantly, the health of customers from sales of food prepared under potentially unsanitary conditions.

The 2024-25 Santa Barbara County Grand Jury (Jury) has found that the County has not been able to effectively enforce permitting requirements or routinely inspect mobile food vendors in Santa Barbara County, as the mobile nature of such food vendors poses barriers to effective enforcement and inspection on several fronts. The Jury recommends that the County allocate funds to hire inspectors sufficient in number to enforce existing food safety laws, and also that law enforcement work closely with inspection personnel to safeguard in-person enforcement and inspection efforts. To protect the public from food-borne illnesses and other harms posed by unpermitted food vendors, the County must meet the challenge with more effective enforcement strategies.

## BACKGROUND

### Food Safety

Food safety is an important public health priority. Disease transmission from unsafe food is a common cause of illness, which may range from temporary gastrointestinal distress to severe illness causing hospitalizations and deaths. The Centers for Disease Control and Prevention (CDC) has noted that every year, one in six people in the United States gets sick from food-borne illnesses.<sup>1</sup> Nationally, reported food-borne hospital admissions and deaths more than doubled from 2023 to 2024. This increase was mainly due to outbreaks of *Listeria*, *Salmonella*, and *Escherichia coli*.<sup>2</sup> There has also been a dramatic increase of norovirus infections, which are frequently associated with unsafe food handling.<sup>3</sup> It is important to realize that reported numbers are probably

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<sup>1</sup> “About Restaurant Food Safety.” *Centers for Disease Control and Prevention*. Published March 7, 2024. <https://www.cdc.gov/restaurant-food-safety/about/index.html>

<sup>2</sup> Harrison, Christopher J. “Expect Increases in Foodborne Illness.” *MedScape*. Published May 2, 2025. <https://www.medscape.com/viewarticle/expect-increases-foodborne-illness-2025a1000a76>

<sup>3</sup> “NoroSTAT Data.” *Centers for Disease Control and Prevention*. Published May 20, 2025. <https://www.cdc.gov/norovirus/php/reporting/norostat-data.html>

huge underestimates of the actual food-borne illness burden (an estimated 48 million illnesses) because most people do not seek medical care and, thus, the illness is not reported. One estimate is that only one in thirty actual cases is reported. Among the 10 million food-borne illnesses or so that are reported annually, 128,000 require hospitalization and 3,000 are fatal.<sup>4</sup>

For example, there was an incident of widespread food poisoning that occurred in Maricopa County, Arizona, in August 2024. A total of 17 patrons purchasing food from a group of unpermitted street vendors subsequently experienced diarrhea and vomiting. Upon investigation, the Maricopa County Environmental Services Department found that these vendors had no handwashing stations on site, were mixing raw meat with cooked meat, and were storing food in garbage bags.<sup>5</sup> Another major food poisoning incident due to food from a food truck was reported in Kirkland, Washington, in September 2023. In total, 34 people got sick from food-borne bacteria.<sup>6</sup>

In Santa Barbara County, data are not currently collected on how often disease transmission from food vendors occurs. However, the proliferation of unpermitted food vendors potentially puts the patrons of these vendors at risk of contracting food-borne illnesses.

### **Laws Governing Food Safety**

To protect citizens from food-borne illnesses, California food safety laws specify requirements for safe storage, labeling, handling, and disposal of food for restaurants, as well as for food carts and food trucks.<sup>7</sup> The conditions outlined in the California Retail Food Code must be met to obtain a health permit, which must be displayed and clearly visible to customers. Inspections by local public health departments are guided by, but not limited to, the following basic food handling and facility requirements for vendors that prepare food:

- store perishable and cooked foods at defined temperatures (below 41°F for cold food storage and above 135°F for hot items), which must be continually monitored
- be equipped with refrigeration for potentially hazardous foods
- have easily cleanable surfaces
- have facilities for the sanitary disposal of liquid waste and garbage
- operate within 200 feet of an available toilet and handwashing facility for employees

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<sup>4</sup> Harrison, “Expect Increases in Foodborne Illness.”

<sup>5</sup> “Illness Reports Associated with Unpermitted Street Vendors” *Maricopa County Environmental Services Department*. Published August 26, 2024. <https://www.maricopa.gov/CivicAlerts.aspx?AID=3085>

<sup>6</sup> KOMO News Staff. “34 people contract stomach illness after eating from Kirkland taco truck.” *KOMO News*. Published September 20, 2023. <https://komonews.com/news/local/taco-truck-food-sick-illness-outbreak-kirkland-washington-el-guero-seattle-king-county-health-department-investigation-private-event-catering-catered-test-diarrhea-abdominal-cramping-nausea-inadequate-refrigeration-improper-cooling>

<sup>7</sup> See sections 113700 through 114437 of Part 7 of Division 104 of the Cal. Health and Safety Code, known as the California Retail Food Code. Specifically, see Chapter 4 (sections 113980 through 114094.5) for general food safety requirements and Chapter 8 (sections 114250 through 114259.5) for physical facility requirements.

California state law requires county public health departments to ensure that food vendors are following lawful food safety practices. The Santa Barbara County Environmental Health Services Division (a division of the County of Santa Barbara Health Department) has been charged with permitting food vendors and with performing regular inspections to assure ongoing compliance with food safety standards. Cities in Santa Barbara County have agreements with County Health to enforce food safety laws within incorporated areas, meaning that the Environmental Health Services Division of County Health performs its services related to inspections and permitting in all areas of the County. Inspections of food carts and food trucks are expected to occur at least once per year, but more frequently if there was a prior violation or in response to a public complaint.

It is important to distinguish between “licensing” and “permitting.” City municipalities issue business licenses for operation of food vendors and may issue citations and fines if vendors do not comply with licensing requirements. In unincorporated areas, this is the responsibility of the Santa Barbara County Tax Collector’s Office. Food vendors that operate in unincorporated areas of the County must report sales tax on certain foods they sell. In contrast, permitting in relation to food safety requirements is enforced by County Health, which may penalize vendors who do not comply with standards. This Report focuses solely upon permitting and enforcement by the County, rather than licensing.

Vendors selling only pre-packaged, non-perishable items are exempt from some of the more stringent health and safety requirements, such as those related to food preparation and equipment. These vendors do not need a permit. However, food trucks and carts which sell prepared food, including cut fruit, juices, and meats, are not exempt from the more stringent food safety standards and are required by law to be permitted.

Individuals operating mobile food vending businesses are classified by state law as “food handlers” as they are “involved in the preparation, storage, or service of food in a food facility.”<sup>8</sup> California law requires such individuals to obtain a food handlers card by taking an on-line course provided by the State. All food vendors are required by law to carry this card, and to present it upon demand.

### **Changes in State Law Governing Food Vending**

Two bills passed within the last seven years by the California State Legislature, intended to protect small business owners operating mobile vending businesses, have transformed how local authorities can interact with mobile food vendors.

Senate Bill 946 was signed into law in 2018 and added Chapter 6.2 to Part 1 of Division 1 of Title 5 of the California Government Code. It limited what time, place, and manner restrictions a local authority could impose on sidewalk vendors of food or merchandise, and also restricted local

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<sup>8</sup> See California Retail Food Code section 113790.

authorities' ability to penalize sidewalk vendors who violate local vending rules. Activity that could once have been classified as an infraction- or misdemeanor-level offense at the local level can now only be punished with administrative citations. As a result of this, enforcement against the owners of the mobile food carts has become more difficult. The inability for local authorities to promulgate local requirements with infraction- or misdemeanor-level punishments has allowed cart vendors to disregard requirements for permitting even in violation. It is important to note that SB 946 did not affect the applicability of food safety laws to food vendors or affect the County's ability to enforce health permitting requirements.

However, Senate Bill 972, which was signed into law in 2022, decriminalized the California Retail Food Code for sidewalk vendors and operators and employees of compact mobile food facilities who perform limited food preparation.<sup>9</sup> Food safety law violations in these contexts, including permit violations, are only punishable by administrative citations. Still, the bill did not exempt mobile food vendors who perform even limited food preparation from needing county health permits. Despite this, only two food cart vendors in Santa Barbara County have ever applied for permits from County Health as of March 2025.

### **Additional Problems Surrounding Unpermitted Food Vendors**

Although this Report focuses solely on permitting and enforcement of food safety laws in Santa Barbara County, the Jury also notes that there are other troubling issues associated with unpermitted mobile food vendors. The Jury has observed that unpermitted mobile food vendors have been unfairly and illegally competing against properly permitted area restaurants and food trucks, as they do not pay County permitting fees. Additionally, illegal dumping of grease and other waste, violations of local fire codes, and traffic- and parking-related violations were identified as additional concerns during the Jury's investigation.

## **METHODOLOGY**

In developing this Report, the Jury employed the following methods of investigation:

- Interviews with officials from County Health
- Interviews with officials from the cities of Santa Barbara and Solvang
- Interviews with officials from the Santa Barbara County Fire Department
- Interviews with officials from the University of California, Santa Barbara
- Review of documentation provided by County Health
- Research regarding California state laws governing retail food sales
- Visits to 25 food carts and trucks in various neighborhoods throughout Santa Barbara County, including in the cities of Santa Barbara, Goleta, Lompoc, and Santa Maria

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<sup>9</sup> For the full definition of "limited food preparation," see California Retail Food Code section 113818.

## DISCUSSION

The proliferation of open-air, mobile food vending has surged to unprecedented levels throughout Santa Barbara County in recent years. These food vending operations include roadside “tent” restaurants that in some cases provide sit-down accommodations, food trucks parked on streets, and sidewalk pushcarts that pervade both commercial and residential areas of the County.

Unpermitted food vending—particularly by pushcarts—has become so commonplace that County Health no longer has the resources to effectively enforce existing requirements. The following sections of this report detail the Jury’s observations about permitting, inspections, and barriers to effective enforcement of existing food safety laws with regard to mobile food vendors.

### **Food Safety**

The Jury finds that public health is jeopardized by sales of potentially hazardous foods by unpermitted food vendors. As discussed above, food safety involving prepared foods encompasses an extensive number of requirements: the temperatures of cold or hot foods must be maintained and monitored; handwashing facilities must be available in close proximity; food handling certification must be obtained; pests must be controlled and kept away from food; work surfaces and utensils must be properly sanitized.

Members of the Jury visited local mobile food trucks and carts. During direct observation in various locations around Santa Barbara County, Grand Jurors noted numerous violations of food safety laws and ordinances, which included the following:

- There were health inspection permits posted as required for only six of 14 food trucks and zero of 11 food carts observed
- When asked, vendors could show food handler cards on only six of 14 food trucks, and zero of 11 food carts queried
- Zero of 11 food carts had nearby access to handwashing facilities
- Food carts and trucks were both frequently in locations without proximity to restrooms
- Food on food carts included cut fruit and prepared juices that were not stored in a temperature-controlled environment
- Food on food carts sometimes included cooked meat stored in Styrofoam containers that were not temperature-controlled

There is improper and unsanitary handling of food prepared for sale throughout Santa Barbara County by unpermitted vendors. The fact that handwashing facilities are not co-located with food carts that prepare food creates a risk of serious food-borne illness incidents. Without strict enforcement of County health and food safety codes, outbreaks could easily occur.

## **Enforcement Barriers**

The enactment of SB 946 and SB 972 has encouraged a proliferation of sidewalk food sales to the point where the Environmental Health Services Division of County Health lacks sufficient personnel to effectively provide enforcement of food handling or environmental health codes with the numbers of trucks and carts currently in local operation. The County currently employs just three full-time inspectors and one part-time inspector.

The administrative citations that resulted from SB 946 and SB 972 have not proven to be effective enforcement tools against food safety violations by mobile food vendors. In many cases, workers refuse or are unable to identify the owner or the person to whom a citation should be issued. They may also refuse to sign a civil citation. Thus, when individual vendors receive a citation, there is no one to be held responsible, especially since many food trucks and carts come up from the Los Angeles area into Santa Barbara County. As a result, citations are often not issued, and when they are, their remediating effects are minimal.

An additional drawback of this limited enforcement regime is that the financial burden imposed by the fines is so low that they fail to serve as a deterrent. As mandated by the State, a first-time violation of the California Retail Food Code or any provision adopted pursuant to it requires issuance of a warning to the street vendor; a fine for a second violation cannot exceed \$100 if the violation occurs within one year of the first violation; a fine for a third violation cannot exceed \$200 if it occurs within one year of the first violation; and a fine for a fourth violation and any subsequent violations that occur within a year of the first violation cannot exceed \$500.<sup>10</sup> When inspectors have issued citations, the trucks or carts have sometimes simply changed location. Few vendors pay fines or appear in court. The minimal penalties for non-permitted operations and the disregard for food safety laws have enabled mobile vendors to operate with few consequences.

Of equal concern is the fact that it has been difficult for inspectors from the Environmental Health Services Division to approach mobile food vendors due to harassment and intimidation by customers. County inspectors have asked for the presence of law enforcement, and have frequently been accompanied in the City of Santa Barbara by police officers, but are less frequently accompanied by law enforcement in other parts of the County. Ironically, non-permitted food vendors have received unintended validation as local law enforcement personnel have been observed patronizing these vendors.

The lack of effective enforcement is further complicated by the transient nature of many mobile food vendors. While some mobile food vendors operate in established/preferred locations, many move around frequently, making it difficult for any local authority to consistently locate them. Currently, the County does not have a tip line for reporting unpermitted mobile food vendors, nor

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<sup>10</sup> See California Retail Food Code section 114368.8.

is there clear information regarding how the public can report unpermitted food vendors on relevant County websites.

### **Enforcement Strategies**

During the summers of 2023 and 2024, the City of Santa Barbara and County Health formed “vendor enforcement teams,” which, in addition to health inspectors, included interpreters, personnel from the City’s Fire Department, and officers from the Santa Barbara Police Department. They first targeted large “pop-up” restaurants utilizing open-flame devices for cooking, which is a violation of the municipal fire code punishable by more serious charges. While several enforcement actions took place in 2023, resulting in the shutdown of many unpermitted sidewalk restaurants, lack of staffing and impersistent enforcement enabled the violators to soon reappear elsewhere in the city and resume operations.

At the County level, enforcing health codes and performing inspections has been beyond the current capabilities of County Health alone. Creating a task force composed of multiple agencies was proposed as a solution at both a Santa Barbara County Association of Governments (SBCAG) meeting in October 2024 and, later, at a County Board of Supervisors meeting in March 2025. The presence of law enforcement and fire personnel was considered critical, and in working together, they could combine the strengths of each agency to be more effective against unpermitted vendors.

At the Board of Supervisors meeting in March 2025, it was reported that since January 2025, the inspectors from the Environmental Health Services Division had been conducting inspections on weekends and after hours, when mobile vendors are most prevalent. This has incurred additional expenses due to overtime pay for inspectors. They issued 137 notices of violation between January and March for various food safety violations. They also seized food that was in “the danger zone,” between 41 and 135 degrees. State law requires that confiscated food be kept for 30 days and kept in condition that it can be returned as it was received. However, the County has run out of refrigerated storage space for freezing seized foods. At this March meeting, the Board of Supervisors voted to adopt a more comprehensive approach to enforcement in the form of a multi-jurisdictional task force.

The Santa Barbara County vendor enforcement task force was partly inspired by on an ongoing 20-month pilot program in Ventura County begun in July 2024. Given a budget of \$1.7 million, Ventura County created a team with a full-time coordinator and an additional nine full-time and part-time employees. With the help of law enforcement and fire personnel, the team made sweeps, confiscating unlawful trucks, carts, and equipment. Ventura County paid for the haulers and rented storage space for confiscated equipment.

While Ventura authorities were able to shut down some vendors, they typically came back, just as in Santa Barbara County. Yet impounding the carts or trucks did reduce their number in Ventura

County. At the beginning of their efforts, it was reported that in some well-known locations, the number of illicit trucks went from 30 to five. Vendors could only retrieve their equipment after paying fines and registering with local agencies for health permits and business licenses. The end results for Ventura’s pilot program have not yet been released.

For Santa Barbara County, the new task force, based on its composition, will have the ability to enforce rules against unpermitted food vendors from the standpoints of County Health, Public Works, the Sheriff’s Office, County Fire, and the District Attorney. The task force shall also include representatives from local cities as well as representatives from key stakeholders, such as Caltrans, the California Department of Fish and Wildlife, and the California Highway Patrol (CHP). To illustrate CHP’s role, CHP officers have on occasion assisted inspectors who visit mobile food vendors that operate along Highways 154 and 246.

While the Board of Supervisors voted to create this task force, its initial impact may be limited by the absence of any additional funding to support the initiative. Each County agency involved in the task force was asked to reassign resources for the personnel and time needed to address the issue of unpermitted food vendors.

By adopting this means of multi-jurisdictional enforcement, the County is taking a proactive step to protect the community. However, more steps must be taken to ensure that persistent enforcement happens in all parts of the County where unpermitted food vendors pose risks to public health.

## **CONCLUSION**

While their consequences may have been unintended, SB 946 and SB 972 triggered a surge in unpermitted food vending operations across Santa Barbara County, reaching a scale that now poses a threat to public health and safety.

The County—specifically, the County of Santa Barbara Health Department—is mandated to enforce food safety regulations through permitting and routine inspections of food vendors. However, significant enforcement gaps have emerged, leaving residents and visitors alike vulnerable to health risks posed by unpermitted mobile food vendors who prepare potentially hazardous foods. Among these vendors, there is widespread disregard and defiance of governmental regulations designed to protect public health.

With no foreseeable relief to come at the state level, local authorities must devise their own effective enforcement solutions. While multi-jurisdictional task forces show promising results, they must encompass the full range of appropriate agencies, and funding for inspectors who focus specifically on food safety violations must be prioritized.

## FINDINGS AND RECOMMENDATIONS

**Finding 1:** County Health’s ability to inspect mobile food vendors and enforce food safety regulations has been limited by the small number of inspection personnel currently employed in its Environmental Health Services Division.

**Recommendation 1:** The Grand Jury recommends that the Board of Supervisors provide County Health with sufficient funding to hire additional inspectors to facilitate more frequent inspections of mobile food vendors and to enforce compliance with existing food safety laws if violations are discovered. To be implemented by July 1, 2026.

**Finding 2:** There is no established process by which the public can report unpermitted mobile food vendors to County Health, thus making enforcement of food safety requirements more difficult.

**Recommendation 2:** The Grand Jury recommends that the Board of Supervisors direct County Health to establish a tip line for the public to report information about mobile food vendors who are not permitted. To be implemented by January 1, 2026.

**Finding 3:** County Health efforts to conduct inspections of mobile food vendors have been negatively impacted by safety concerns for inspection personnel.

**Recommendation 3a:** The Grand Jury recommends that the Santa Barbara County Sheriff’s Office delegate deputies to accompany County Health inspectors so that the inspectors, with the support of law enforcement, can safely enforce permitting and inspecting in the unincorporated areas of Santa Barbara County and in incorporated areas where the Sheriff’s Office is contracted to provide services. To be implemented by January 1, 2026.

**Recommendation 3b:** The Grand Jury recommends that the Board of Supervisors direct County Health to partner with municipal law enforcement agencies so that health inspectors, with the support of law enforcement, can safely enforce permitting and inspecting within incorporated municipalities. To be implemented by January 1, 2026.

**Finding 4:** Food trucks and carts are often not located in proximity to restroom or handwashing facilities for staff and customers as legally required, which poses a significant public health risk.

**Recommendation 4:** The Grand Jury recommends that the Board of Supervisors direct County Health to focus inspection and enforcement efforts on mobile food vendors who operate without proximity to appropriate restroom or handwashing facilities. To be implemented by January 1, 2026.

## REQUEST FOR RESPONSE

Pursuant to California Penal Code §933 and §933.05, the Grand Jury requests that each entity or individual named below respond to the findings and recommendations within the specified statutory time limit.

Responses to Findings shall be either:

- Agree
- Disagree with an explanation
- Disagree partially with an explanation

Responses to Recommendations shall be one of the following:

- Has been implemented, with a summary of the implementation actions taken
- Will be implemented, with an implementation schedule
- Requires further analysis, with an analysis completion date of fewer than 6 months after the issuance of the report
- It will not be implemented with an explanation of why

### **Santa Barbara County Board of Supervisors - 90 Days**

Findings 1, 2, 3, 4

Recommendations 1, 2, 3a, 3b, 4

### **Santa Barbara County Sheriff's Office - 60 Days**

Finding 3

Recommendation 3a