



OFFICE OF THE CITY ATTORNEY

STATE LAW ON THE LOCAL REGULATION OF STREET VEHICLE VENDING

Street vehicle vendors, which include catering trucks or mobile food vending facilities, have been banned under Santa Barbara Municipal Code § 5.32.035¹. In the 1993 case of *Barajas v. City of Anaheim*, the court invalidated the City of Anaheim's ordinance banning food trucks. The court ruled that the California Vehicle Code allows local authorities to regulate food trucks, but not to ban the activity altogether. Unlike the regulation of land use and zoning (private property), parking and traffic control are matters of statewide concern, and the Legislature has preempted those fields pursuant to California Vehicle Code § 21. As such, the City of Santa Barbara may not prohibit vehicle vendors, nor may cities establish regulations that effectively prohibit them.

However, Vehicle Code § 22455 allows cities to regulate the zones in which vehicle vendors such as catering trucks operate by providing that cities may adopt public safety requirements regulating the type of vending and the time, place, and manner of vending upon any street.

California Vehicle Code § 22455 provides:

"(a) The driver of any commercial vehicle engaged in vending upon a street may vend products on a street in a residence district only after bringing the vehicle to a complete stop and lawfully parking adjacent to the curb, consistent with the [stopping, standing, and parking requirements of the Vehicle Code] and local ordinances adopted pursuant thereto.

(b) Notwithstanding [health and sanitation regulation] or any other provision of law, a local authority may, by ordinance or resolution, adopt additional requirements for the public safety regulating the type of vending and the time, place, and manner of vending from vehicles upon any street."

Therefore, while cities cannot ban vehicles from vending on all public streets, they may regulate the time, place, and manner of such activity for the purpose of public safety.

For more information, contact Deputy City Attorney John Doimas at the City Attorney's Office at (805) 564-5326.

¹ The City has not enforced this municipal code section against street vehicle vendors due to the *Barajas* case.