

ORDINANCE NUMBER _____ (CCS)

(City Council Series)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MONICA
AMENDING SANTA MONICA MUNICIPAL CODE SECTION 3.12.1055 TO EXTEND
THE CITYWIDE OPERATION OF REMOTE-CONTROLLED DELIVERY DEVICES BY
OPERATORS PARTICIPATING IN THE ZERO EMISSIONS DELIVERY ZONE PILOT
PROGRAM

WHEREAS, on October 27, 2020, the Santa Monica City Council (Council) adopted emergency ordinance 2656 (CCS) creating Santa Monica Municipal Code (SMMC) Section 3.12.1005, which establishes a one-year moratorium, through October 28, 2021, on the deployment and operation of autonomous delivery devices on City sidewalks and pedestrian paths of travel to allow staff time to develop a regulatory framework for such delivery services; and

WHEREAS, SMMC Section 3.12.1055 also imposes, through October 28, 2021, a moratorium on the deployment and operation on City sidewalks and pedestrian paths of travel of remotely controlled deliver devices, with the exception that it allows the operation of remotely controlled delivery vehicles within the Zero Emission Delivery Zone (ZEDZ), so long as operators are participating in the ZEDZ pilot program; and

WHEREAS, on May 11, 2021, Council amended SMMC Section 3.12.1055 to allow remotely controlled device operators participating in the ZEDZ pilot program to operate

citywide and authorize speed limits, weight limits, and other requirements that apply within the ZEDZ to apply citywide; and

WHEREAS, Council now desires to extend the moratorium on the deployment and operation of autonomous delivery devices on City sidewalks and pedestrian paths; extend the allowance for remotely controlled device operators participating in the ZEDZ pilot program to operate citywide; and extend the authorization for speed limits, weight limits, and other requirements that apply within the ZEDZ to apply citywide.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SANTA MONICA DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Santa Monica Municipal Code Section 3.12.1055 is hereby amended as follows:

3.12.1055 Autonomous and Remotely Controlled Delivery Vehicles or Devices

Beginning on October 28, 2020 and ending on October 28, 2022~~4~~, no person shall deploy or operate an autonomous delivery vehicle or device on City sidewalks or pedestrian paths of travel. For purposes of this section, "Autonomous delivery vehicle or device" means a motorized vehicle or device used to transport items, products, or any other materials on City sidewalks or pedestrian paths of travel for commercial purposes, and guided or controlled without a human operator, whether while sitting or standing upon the device or remotely, actively, and physically controlling the movements of the vehicle or device. For purposes of this section, "Remotely controlled delivery vehicle or device" means a motorized vehicle or device used to transport items, products, or any other materials on City sidewalks or pedestrian paths of travel for commercial purposes that is

guided and controlled with a human operator, whether while sitting or standing upon the device or remotely, actively, and physically controlling the movements of the vehicle or device. Beginning January 1, 2021, or at such time as the pilot program referenced below commences, and ending on October 28, 202~~21~~²⁴, no person shall deploy or operate a remotely controlled delivery vehicle or device on City sidewalks or pedestrian paths of travel ~~remotely controlled delivery vehicle or device~~ other than as part of the pilot program being overseen in Santa Monica by Los Angeles Cleantech Incubator ('LACI'). All operations of autonomous or remotely controlled delivery vehicles or devices that are not prohibited by this section ("non-prohibited devices") shall comply with all requirements, including insurance and indemnification requirements, imposed as conditions of the grant to the operator of a required Santa Monica business license, as well as all of the following operational requirements: (1) non-prohibited devices shall yield the right of way to pedestrians and bicycles; (2) non-prohibited devices shall obey all signs and signals governing traffic and pedestrians; (3) non-prohibited devices shall not interfere with the maintenance of paths of travel for persons with disabilities; (4) non-prohibited devices may not transport waste or hazardous materials (including flammables or ammunition); (5) non-prohibited devices shall be equipped with headlights that operate at night, sunrise, and sunset; (6) each non-prohibited device shall bear, in markings of a size sufficient to be clearly legible to passing vehicles and pedestrians, a unique identifier for the device together with the name and contact information of the device's operator.

Section 2. Any provision of the Santa Monica Municipal Code or appendices thereto inconsistent with the provisions of this Ordinance, to the extent of such

inconsistencies and no further, is hereby repealed or modified to that extent necessary to affect the provisions of this Ordinance.

Section 3. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

Section 4. The Mayor shall sign and the City Clerk shall attest to the passage of this Ordinance. The City Clerk shall cause the same to be published once in the official newspaper within 15 days after its adoption. This Ordinance shall take effect 30 days from its adoption.

APPROVED AS TO FORM:

GEORGE S. CARDONA
Interim City Attorney