

ORDINANCE O-4806

AN ORDINANCE OF THE CITY OF KIRKLAND, RELATING TO AUTONOMOUS PERSONAL DELIVERY DEVICES, AND EXTENDING THE MORATORIUM ENACTED BY O-4779 ON THE ACCEPTANCE OF APPLICATIONS FOR THE REVIEW AND/OR ISSUANCE OF BUILDING PERMITS FOR AUTONOMOUS PERSONAL DELIVERY DEVICE DISPENSERS AND ON THE ACCEPTANCE OF APPLICATIONS FOR THE REVIEW AND/OR ISSUANCE OF RIGHT-OF-WAY USE PERMITS FOR AUTONOMOUS PERSONAL DELIVERY DEVICES.

1 WHEREAS, the City has the authority to adopt moratoria
2 pursuant to Revised Code of Washington (RCW) 35A.63.220 and
3 RCW 36.70A.390 and Kirkland Municipal Code (KMC) 135.30.1;
4 and

5
6 WHEREAS, on January 18, 2022, the City Council adopted
7 an emergency moratorium ordinance upon the acceptance of
8 applications for the review and/or issuance of building permits for
9 autonomous personal delivery device dispensers and on the
10 acceptance of applications for the review and/or issuance of right-
11 of-way use permits for autonomous personal delivery devices,
12 (APDD) Ordinance O-4779 (hereinafter, the "moratorium
13 ordinance"); and

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15 WHEREAS, on February 1, 2022, the City Council adopted
16 Resolution R-5521 affirming the moratorium ordinance; and

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18 WHEREAS, RCW 35A.63.220 and RCW 36.70A.390 allow
19 the City to extend a moratorium an additional six months, so long
20 as a public hearing is conducted before the extension and findings
21 of fact in support of the extension are entered by the City Council;
22 and

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24 WHEREAS, a public hearing on the extension of the
25 moratorium was held during the regular City Council meeting of
26 Tuesday, July 5, 2022 at 7:30 PM; and

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28 WHEREAS, the City Council does find that in April of 2019,
29 the State Legislature passed House Bill 1325, codified as Chapter
30 46.75 RCW, which identifies and defines APDDs and sets forth

31 some State requirements that must be met before APDDs may
32 operate anywhere in the State of Washington; and

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34 WHEREAS, pursuant to RCW 46.75.020(1), the first
35 requirement for use of an APDD within a local jurisdiction in
36 Washington is that it must be "operated in accordance with all
37 ordinances, resolutions, rules and regulations established by the
38 jurisdiction governing the rights-of-way within which the personal
39 delivery device is operated"; and

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41 WHEREAS, in the six months since the moratorium
42 ordinance was issued, the City has conducted at least twelve (12)
43 public meetings at which public comment was or could have been
44 provided; and

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46 WHEREAS, in the six months since the moratorium
47 ordinance was issued, based upon City Council direction, staff has
48 drafted two regulatory frameworks that have been reviewed by
49 the Planning Commission, the Transportation Commission, and
50 been afforded review by the public; and

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52 WHEREAS, based upon the reviews by the two
53 commissions and the public a series of questions has been raised
54 that need to be further researched, studied and evaluated by staff
55 and the City Council; and

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57 WHEREAS, staff needs to further refine policy questions
58 that have emerged from the draft regulatory frameworks,
59 including but not limited to, performance-based evaluative
60 measures, equity interests, enforcement, safety concerns,
61 recommendations from the ADA community, concerns about
62 reasonable expectations of privacy, and whether local institutional
63 and private properties have an interest in hosting APDDs; and

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65 WHEREAS, the City has not yet enacted ordinances,
66 resolutions, rules and/or regulations regarding the operations of
67 APDDs within the City; and

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69 WHEREAS, an additional six-month extension of the
70 moratorium ordinance is necessary to protect the public health,
71 safety, and welfare will enable staff and the City Council to
72 complete its work plan, which includes review of the impacts and
73 benefits of APDDs and dispensers, and undertaking the public
74 processes of amending the City's relevant ordinances, resolutions,

75 rules, and regulations to allow for safe zoning and operation of
76 APDDs and dispensers within the City; and

77
78 WHEREAS, the City Council approves of the work plan
79 presented by staff at the City Council’s public meeting on July 5,
80 2022 at 7:30 PM, a copy of which is attached to the staff report.

81
82 NOW, THEREFORE, the City Council of the City of Kirkland
83 do ordain as follows:

84
85 Section 1. Findings of Fact. In accordance with RCW
86 35A.63.220 and RCW 36.70A.390, which require the City Council
87 to adopt findings of fact justifying the extension of moratoria, the
88 “WHEREAS” clauses set forth above are hereby adopted as the
89 City Council’s findings of fact in support of the extension of the
90 moratorium imposed by this ordinance and are by this reference
91 incorporated herein.

92
93 Section 2. Purpose. The purpose of this extension of the
94 moratorium is to maintain the status quo for another six months
95 while the City completes its review of the impacts and benefits of
96 APDDs and dispensers, and undertakes the public processes of
97 amending its relevant ordinances, resolutions, rules, and
98 regulations to allow for safe zoning and operation of APDDs and
99 dispensers within the City.

100
101 Section 3. Extension of Moratorium. Pursuant to RCW
102 35A.63.220, RCW 36.70A.390, and KMC 35.30.1, the moratorium
103 established by O-4779 shall not lapse and shall be extended an
104 additional six months (estimated to be until January 18, 2023, at
105 11:59 PM), unless earlier terminated. This six-month moratorium
106 extension shall be imposed upon the acceptance of applications
107 for the review and/or issuance of building permits for autonomous
108 personal delivery device dispensers and on the acceptance of
109 applications for the review an/or issuance of right-of-way use
110 permits for autonomous personal delivery devices.

111
112 Section 4. Severability. If any provision of this ordinance
113 or its application to any person or circumstance is held invalid, the
114 remainder of the ordinance or the application of the provision to
115 other persons or circumstances is not affected.

116
117 Section 5. Effective Date. This ordinance shall be in force
118 and effect five days from and after its passage by the Kirkland City

119 Council and publication pursuant to Section 1.08.017, Kirkland
120 Municipal Code in the summary form attached to the original of
121 this ordinance and by this reference approved by the City Council.
122


123 Passed by majority vote of the Kirkland City Council in open
124 meeting this 5 day of July, 2022.

125 Signed in authentication thereof this 5 day of July, 2022.
126



Penny Sweet, Mayor

Attest:



Kathi Anderson, City Clerk

Approved as to Form:



Kevin Raymond, City Attorney

Publication Date: 07/11/2022

PUBLICATION SUMMARY
OF ORDINANCE NO. 4806

AN ORDINANCE OF THE CITY OF KIRKLAND, RELATING TO AUTONOMOUS PERSONAL DELIVERY DEVICES, AND EXTENDING THE MORATORIUM ENACTED BY O-4779 ON THE ACCEPTANCE OF APPLICATIONS FOR THE REVIEW AND/OR ISSUANCE OF BUILDING PERMITS FOR AUTONOMOUS PERSONAL DELIVERY DEVICE DISPENSERS AND ON THE ACCEPTANCE OF APPLICATIONS FOR THE REVIEW AND/OR ISSUANCE OF RIGHT-OF-WAY USE PERMITS FOR AUTONOMOUS PERSONAL DELIVERY DEVICES.

SECTION 1. Adopts findings of fact in support of the extension of the moratorium ordinance related to autonomous personal delivery devices.

SECTION 2. States the purpose of the extension of the moratorium.

SECTION 3. Extends the moratorium for six months estimated to be until January 18, 2023.

SECTION 4. Provides a severability clause for the ordinance.

SECTION 5. Authorizes publication of the ordinance by summary, which summary is approved by the City Council pursuant to Section 1.08.017 Kirkland Municipal Code and establishes the effective date as five days after publication of summary.

The full text of this Ordinance will be mailed without charge to any person upon request made to the City Clerk for the City of Kirkland. The Ordinance was passed by the Kirkland City Council at its meeting on the 5 day of July, 2022.

I certify that the foregoing is a summary of Ordinance O-4806 approved by the Kirkland City Council for summary publication.



Kathi Anderson, City Clerk