



City of Arts & Innovation

Public Safety Committee Memorandum

TO: PUBLIC SAFETY COMMITTEE MEMBERS **DATE:** December 18, 2019
FROM: CITY ATTORNEY'S OFFICE **WARDS:** ALL
SUBJECT: CONSIDERATION OF AN ADDITIONAL PROPOSED CHANGE TO CHAPTER 9.70 OF THE RIVERSIDE MUNICIPAL CODE TO RESTRICT THE LOCATION OF ECOATM MACHINES AND OTHER SIMILAR DEVICES

ISSUE:

The issue for consideration by the Public Safety Committee is whether to recommend that the City Council introduce and adopt an additional proposed change to Chapter 9.70 of the Riverside Municipal Code that would restrict the location of EcoATM machines and other similar devices or machines.

RECOMMENDATION:

It is recommended that the Public Safety Committee approve and recommend to the City Council an additional proposed change to Chapter 9.70 of the Riverside Municipal Code which would prohibit EcoATM machines and other similar devices from being operated outdoors or in residential zones.

BACKGROUND:

The Public Safety Committee met on July 17, 2019, with Chair Perry and Council Member Adams present, and received a presentation from EcoATM that included a discussion regarding their company and current operations, and whether to consider repealing the City's prior ban on these kiosk machines. After discussion, the Committee unanimously voted to recommend that the City Council introduce and adopt an ordinance to amend Chapter 9.70 of the Riverside Municipal Code to: 1) repeal the City's prior ban on these kiosk machines and to 2) only allow ecoATM machines to be operated in the City of Riverside if they are in full compliance with standard security measures required by state law, including but not limited to *Business & Professions Code Section 21625 et seq.*

Thereafter, this item was taken to City Council on October 22, 2019. Although the City Council voted to approve the proposed changes to lift the prior ban and put in place additional security measures to regulate ecoATM machines and other devices, after some discussion, the City Council asked staff to research and draft restrictions regarding where these kiosk machines can be operated in the City. City Council's primary issues of concern were: they did not want kiosk machines operated outdoors or in residential zones. The City's Planning Department confirmed

Title 19 of the Riverside Municipal Code does not regulate similar vending or reverse vending machines and recommended including location restrictions in Chapter 9.70 of the Riverside Municipal Code. As a result, the City Attorney's Office added subsection (K) to Section 9.70.010 of the proposed ordinance to prohibit these kiosk machines from being operated outdoors or in residential zones. Specifically, it is proposed for Section 9.70.010 (K) to add: "EcoATM machines or similar kiosks operated in the City of Riverside shall not be located in any residential zones. In addition, they cannot be located outdoors, but rather must be located inside of a retail store or shopping mall."

In addition to the amendments that were previously approved to regulate these types of kiosk machines, it is recommended that the Public Safety Committee approve and recommend to the City Council to add subsection (K) of Section 9.70.010 of the Riverside Municipal Code.

Riverside Police Department, Interim Chief of Police Larry Gonzalez concurs with this report.

FISCAL IMPACT:

There is no fiscal impact associated with this report.

Prepared by: Rebecca McKee, Deputy City Attorney

Certified as to

availability of funds: Edward Enriquez, Chief Financial Officer/City Treasurer

Approved as to form: Gary G. Geuss, City Attorney

Attachment:

1. Proposed RMC Chapter 9.70, entitled "EcoATM machines and other similar devices or machines"