ORDINANCE NO. .

BOARD OF SUPERVISORS, COUNTY OF SAN MATEO, STATE OF CALIFORNIA

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ORDINANCE ADDING CHAPTER 5.140 TO TITLE 5 OF THE SAN MATEO COUNTY ORDINANCE CODE REQUIRING REGISTRATION, PERMIT, AND FEE FOR COMMERCIAL USE OF MOBILE, AUTONOMOUS AI-CONTROLLED ROBOTS

The Board of Supervisors of the County of San Mateo ("County") hereby finds and declares as follows:

WHEREAS, the deployment of untethered, mobile, autonomous AI-controlled robots in commercial environments such as restaurants and retail stores introduces novel public safety and health challenges; and

WHEREAS, such safety and health challenges include creating obstacles to the use of accessible pathways, interfering with emergency services and evacuation routes within locations, creating unpredictable physical interactions with patrons which can lead to injury, and introducing severe fire and hazardous materials risks associated with the high-capacity lithium-ion batteries required to power these units; and

WHEREAS, certain types of batteries used in robots, including lithium-ion batteries, can cause fires that are prone to a phenomenon known as "thermal runaway," which causes rapid ignition, re-ignition of previously extinguished fires, the emission of highly toxic gases, and explosion; and

WHEREAS, managing these specific risks, incidents, and fires requires specialized first-responder training, extended containment protocols, and dedicated hazardous materials equipment that exceed standard structural firefighting capabilities; and

WHEREAS, evaluating the historical safety data and manufacturing track records of robotic units is necessary to reduce the risk of the deployment of defective, recalled, unsafe, or experimentally unproven technologies in public-facing spaces; and

WHEREAS, the rapid displacement of human workers by fully automated mobile robotic systems in the service sector threatens the local economic welfare by potentially increasing reliance on County-funded social safety net programs and decreasing the local tax base; and

WHEREAS, the County possesses the fundamental police power to regulate commercial activities to protect the health, safety, and general economic welfare of its residents; and

WHEREAS, the County desires to regulate the commercial deployment and operation of such mobile, autonomous robots by creating an annual permit requirement that applies to the operation and use of each such robot in commercial settings; and

WHEREAS, such a permit requirement will also provide the benefit of creating data to identify employment trends and develop policies to stabilize the economy and combat worker displacement; and

WHEREAS, San Mateo County Code Compliance Section of the Planning and Building Department shall serve as the primary enforcement body for this permitting process to ensure that objective sanitation, fire safety, and accessibility compliance standards are met prior to deployment of such mobile, autonomous AI-controlled robots, while still allowing the County to mitigate economic impact.

NOW, THEREFORE, the Board of Supervisors of the County of San Mateo ordains as follows:

SECTION 1. A new Chapter 5.140 is hereby added to the San Mateo County Ordinance Code to be numbered and entitled and to read as follows:

CHAPTER 5.140 COMMERCIAL USE OF MOBILE AUTONOMOUS AI-CONTROLLED ROBOTS

5.140.010 Purpose and authority.

This Chapter is enacted pursuant to the County's police powers to protect the public safety, health, and welfare, consistent with state and federal law. The purpose of this Chapter 5.140 is to advance the health, safety, and general welfare of the County of San Mateo citizens by regulating the commercial use of mobile, autonomous robots that are partially or fully controlled by artificial intelligence, which can pose a safety hazard to patrons, create special needs for emergency fire response, and otherwise impose economic costs on the County and its citizens.

5.140.020 Definitions.

For the purposes of this Chapter, the following definitions shall apply:

(a) "ADA" means the federal Americans with Disabilities Act, 42 U.S.C. § 12101 *et seq*., and related regulations, including as amended in the future.

(b) "Code Compliance" means the San Mateo County Code Compliance Section of the Planning and Building Department or another division of the Planning and Building Department at the discretion of the Director of the Planning and Building Department.

(c) "Commercial Autonomous AI-Controlled Robot" or "Covered Robot" means any untethered, physical device that meets all of the following criteria:

(i) Is a fully or partially autonomous electromechanical machine physically operating within the unincorporated areas of San Mateo County that mimics, replaces, or supplements human movement or activity, which for any amount of time operates untethered in spaces accessible to the public or alongside human workers without physical barriers. This includes any form of mobility, such as but not limited to use of wheels, rollers, belts, legs, other limbs, and electromagnetic levitation; and

(ii) Operates in a Covered Establishment; and

(iii) Uses any combination of (a) on-board sensors and/or cameras and (b) artificial intelligence to operate without constant, direct human operation; and

(iv) Is powered by a rechargeable lithium-ion battery system (including, but not limited to, LiFePO4 or NMC chemistries) to supply energy for locomotion and electronic functions.

This definition excludes permanently stationary automation (e.g., self-checkout kiosks) and permanently restricted-path automation (e.g., fixed-rail kitchen equipment). This also excludes any toys under 30 pounds in weight used for personal use or robots used solely in private residences.

For purposes of this definition, a robot is considered fully or partially autonomous if, for any amount of time, it operates without human control, including any robot that partially or fully relies on external or offsite computing power. This term also includes any robot that uses remote operators for any amount of time so long as at any point the system is fully or partially autonomous.

This term refers to each individually autonomous unit, even if of the same model.

(d) "Covered Establishment" means any business, commercial operation, or other entity or activity with a physical location that sells goods or services, serves the public, and operates in the unincorporated areas of San Mateo County, including but not limited to restaurants, cafes, retail stores, and hospitality venues. This definition includes any such business or other entity or activity, regardless of whether it is, or is owned or operated by, a natural person, partnership, cooperative association, limited liability company, corporation, personal representative, receiver, trustee, assignee, or any other type of entity.

(e) "EHS" means the Environmental Health Services Division of San Mateo County Health.

(f) "OLSE" means the San Mateo County Office of Labor Standards Enforcement.

(g) "Permit" or "Covered Robot Permit" means a valid permit issued by Code Compliance to a Covered Establishment to operate a Commercial Autonomous AI-Controlled Robot pursuant to this Chapter.

5.140.030 Permit Required for Commercial Mobile Autonomous AI-Controlled Robots.

(a) No Covered Establishment shall operate a Covered Robot or allow operation of a Commercial Autonomous AI-Controlled Robot on its premises without a current and valid Covered Robot Permit issued by Code Compliance covering each location where such activities are conducted and each Covered Robot in operation at any location.

(b) A Covered Establishment must obtain a Permit that covers each Covered Robot in operation on its premises and each location at which any Covered Robot will be operated. A new or updated Permit is required prior to adding a Covered Robot into service or moving a Covered Robot to any location not listed on the existing Permit.

(c) Permits are valid for one year and must be renewed annually by the Permit holder in order to continue to operate or allow operation of any Covered Robot. A Permit that is not renewed in a timely manner shall expire at the end of its term, and the Covered Establishment must obtain a new Permit prior to any further operation of any Covered Robot. If a Permit is updated prior to the end of its term, Code Compliance shall determine when the next renewal deadline shall be, so long as it is not more than one year from the prior Permit expiration date.

(d) No Covered Establishment shall violate, or cause or allow the Covered Establishment's agents or employees to violate, any provision of this Chapter or any other local, state, or federal law applicable to Covered Robots.

(e) Regardless of whether a Covered Establishment has a valid Permit pursuant to this Chapter, a Covered Establishment must immediately cease operation of any Covered Robot that it knows or has reason to believe has caused harm to any person or animal or has been involved in any incident that could reasonably be classified as a threat to public safety, such as a fire, the creation of damage that is more than cosmetic to any property, or an incident that did not cause, but reasonably could have caused, such damage or injury. Such incidents must be reported to Code Compliance within five business days of the incident pursuant to Section 5.140.080 of this Chapter, at which time Code Compliance may suspend the Permit if it determines the Robot represents an imminent threat to public safety pursuant to Section 5.140.110(b)(1)(D).

(f) Any incident involving a Covered Robot that results in the response of a safety professional, including but not limited to private security personnel, public law enforcement, firefighters, or healthcare professionals must be reported to Code Compliance within five business days of the incident pursuant to Section 5.140.080 of this Chapter, at which time Code Compliance may suspend the Permit if it determines the Covered Robot represents an imminent threat to public safety pursuant to Section 5.140.110(b)(1)(D).

(g) Nothing in this Chapter shall be construed to penalize the purchase, use, or possession of a Commercial Autonomous AI-Controlled Robot by any person that is not a Covered Establishment. This Chapter also does not prohibit research or development of a Covered Robot so long as the

research or development does not include operation of the Covered Robot at any Covered Establishment.

5.140.040 Permit Application, Review, and Issuance.

Each Covered Establishment must apply for a Covered Robot Permit for each Commercial Autonomous AI-Controlled Robot it intends to operate as outlined in this Section. Code Compliance shall issue Permits based on the following rules:

(a) Code Compliance will serve as the primary reviewing and issuing body for the Covered Robot Permit. The County Executive Officer may delegate this authority and obligation to another County Department or an outside agency by agreement.

(b) Each Covered Establishment must submit an application for each Covered Robot it intends to operate prior to placing such Covered Robot into operation, and the Permit must be issued prior to the operation of any Covered Robot. An application may cover more than one Covered Robot model or unit and more than one location for its operation so long as the application contains all required information for each model, unit, and location.

(c) The initial application must include all information listed in Section 5.140.050 of this Chapter and otherwise required by Code Compliance. Any renewal application must include all information required by Code Compliance.

(d) Code Compliance shall forward the application's Economic Impact Assessment and Workforce Mitigation Plan to OLSE for review, and OLSE shall provide feedback regarding the Economic Impact Assessment and Workforce Mitigation Plan to Code Compliance.

(e) Code Compliance shall forward the application to the fire agency with jurisdiction over the permitted location for review and request feedback from the fire agency within 30 days. If the fire agency does not timely provide such feedback, Code Compliance may process the Permit without fire agency input.

(f) Code Compliance may add specific requirements or limitations to any Covered Robot Permit that it deems necessary to meet the purposes of this Chapter.

5.140.050 Application Requirements.

An application for a Covered Robot Permit must include all of the following:

(a) Public Safety & Sanitation Plan: A certification from the applicant or their agent and documentation demonstrating that the Covered Robot covered

by the application is equipped with emergency manual override (a “safe power down switch”), complies with ADA pathway clearance requirements, and meets all State and EHS health and safety laws and regulations related to food safety, sanitation, and cross-contamination prevention if used in the context of food handling or in a food facility as defined under California Health and Safety Code Section 113789.

(b) Mobile Battery Safety Certification: A certification from the applicant or their agent and documentation demonstrating the Covered Robot’s internal battery systems are certified to recognized international or national safety standards (such as UL 2271 or UL 2272) to minimize thermal runaway risks.

(c) Manufacturer and Safety Data Disclosures: Documentation identifying the manufacturer, make, year, model, and serial number of the Covered Robot, accompanied by certified empirical safety data and a certification from the applicant or their agent that the model and unit are safe for public use. This submission must include for each model and unit covered by the application: historical incident logs for each model and each specific unit regarding physical collisions, thermal events, or software malfunctions resulting in injury or property damage from prior deployments; notices of any state, federal, or international regulatory recalls; and copies of any third-party safety audits.

(d) Economic Impact Assessment: A detailed report of the anticipated effect of the use of the listed Covered Robot models on current human employment within the Covered Establishment and otherwise within the County.

(e) Workforce Mitigation Plan: A binding proposal detailing how the applicant will offset the local economic impact of displaced human labor associated with the use of each listed Covered Robot and each associated location for use. The application must certify that the Covered Establishment agrees to at least one of the following workforce mitigation options:

(1) *Redeployment:* Reassigning displaced workers to other equivalent roles within the establishment at equal or greater compensation. Displaced workers reassigned pursuant to this subsection (e)(1) shall remain employed for a period of no less than six months, or the Covered Establishment shall comply with subsection (e)(2) or (e)(3) of this Section.

(2) *Transition Assistance:* Providing displaced workers with a minimum of 60 days’ advance written notice and a severance package equivalent to at least four weeks of standard pay.

(3) *County Automation Impact Fee:* Paying a scheduled fee pursuant to Section 5.140.070 of this Chapter for each Covered Robot unit for deposit into the San Mateo County Workforce Retraining Fund to subsidize local job transition services.

(f) Robot Supervision: A plan detailing how a minimum of one trained human supervisor will be physically present on the premises at all times the Covered Robot is actively operating in customer- or public-facing areas.

(g) Insurance: A certification from the applicant or their agent and documentation demonstrating that the Covered Robot covered by the application has insurance coverage, obtained by the manufacturer or otherwise, meeting all requirements established by Code Compliance.

(h) Privacy: A certification from the applicant or their agent and documentation demonstrating that the Covered Robot covered by the application will maintain consumer privacy as required by the guidelines established by Code Compliance.

(h) Public Complaint Log: A plan detailing how the Covered Establishment shall maintain a Public Complaint Log for each Covered Robot. The Public Complaint Log shall include the date of complaint, the complainant's contact information (if the complainant consents to disclosure), and a description of the complaint. The Public Complaint shall be made available to Code Compliance upon request. Records contained in the Public Complaint Log shall be retained for a period of 5 years. The Public Complaint Log plan must identify the custodian of the Public Complaint Log and provide the custodian's contact information.

(i) Other Required Information: Any other information Code Compliance requires.

(j) Fees: The fees for each Covered Robot as required by Section 5.140.060 of this Chapter and Section 5.140.070 of this Chapter, if applicable.

Knowingly submitting false or misleading information on an application pursuant to this Section shall be a violation of this Chapter.

5.140.060 Permit Fees.

Each Covered Establishment must submit with its Covered Robot Permit application and any annual renewal application the fees listed below for each Commercial Autonomous AI-Controlled Robot included in the Permit application. Failure to pay any required fee is grounds for denial, suspension, or revocation of the Permit. The amount of each listed fee will be posted and updated on the Code Compliance website.

The County establishes the following Covered Robot Permit fees:

(a) Mobile Battery Hazardous Materials (HazMat) and Fire Services Fee. The revenues generated by this fee must be deposited into a dedicated enterprise fund managed by the San Mateo County Fire Department and used exclusively to recover the reasonable regulatory costs borne by the

San Mateo County Fire Department for HazMat and Fire Services related to commercial use of Covered Robots. Permissible uses of this fund are strictly limited to the following services:

(1) Conducting annual battery safety and emergency manual override inspections of permitted Covered Robots;

(2) Inspections of Public Complaint Logs in response to Covered Robot safety investigations;

(3) Procuring specialized hazardous materials fire-suppression equipment required to extinguish high-capacity lithium-ion battery fires or other similar issues;

(4) Providing specialized training for local first responders regarding robotics-related electrical and chemical emergencies; and

(5) Adding other infrastructure necessary to address the hazards posed by Covered Robots.

(b) Other Enforcement and Administrative Fees. The revenues generated by this fee may be used by Code Compliance and OLSE to cover the reasonable administrative and enforcement costs necessary to administer this Chapter.

5.140.070 County Automation Impact Fee.

The County hereby establishes a County Automation Impact Fee to be paid into the San Mateo County Workforce Retraining Fund or any similar program as designated by the County Executive Officer to subsidize local job transition services associated with each Covered Robot unit when the Covered Establishment opts to pay a fee as part of its workforce mitigation plan as described in Section 5.140.050(e) of this Chapter. The amount of the fee will be posted and updated on the Code Compliance website.

5.140.080 Duty to Update Material Information Before Annual Permit Renewal.

Each Covered Establishment has an ongoing obligation and duty to provide a written update to Code Compliance of any material changes to its use, operation, or location of any Covered Robot within five business days of discovery of the change. This requirement includes but is not limited to material changes to any information that was submitted as part of an application required by Section 5.140.050, including change of ownership of the Covered Establishment or change in location of the permitted Covered Robot. Only by way of example, a Covered Establishment must advise Code Compliance in writing within five business days if any of its Covered Robots malfunctions, is otherwise damaged in a way that negatively impacts safe operation, or otherwise meets criteria listed in Section 5.140.030(e) above (the robot has caused harm to any person or animal or has been involved in any incident that could reasonably be classified as a threat to

public safety, such as a fire, the creation of damage that is more than cosmetic to any property, or an incident that did not cause such damage or injury but reasonably could have).

5.140.090 Record Retention and Right to Inspect.

As a condition for the issuance of a Permit under this Chapter, the Covered Establishment shall allow Code Compliance to enter the property where the Covered Robot is in operation, upon reasonable notice to the Covered Establishment, between the hours of 8 a.m. and 6 p.m., unless otherwise agreed by the parties, to investigate and examine the permitted Covered Robot.

As a condition for the issuance of a Permit under this Chapter, the Covered Establishment is required to retain records relating to any permitted Covered Robot that could be material to any Permit or Permit application pursuant to this Chapter for a minimum of three years following expiration of the Permit. The Covered Establishment shall allow Code Compliance to inspect any such records, upon reasonable notice to the Covered Establishment, between the hours of 8 a.m. and 6 p.m., unless otherwise agreed by the parties.

5.140.100 Public Nuisance.

Any violation of this Chapter is hereby declared a public nuisance, subject to all applicable civil, administrative, and criminal remedies and penalties according to the provisions and procedures contained in this Ordinance Code and state law, including, but not limited to, an action for abatement or injunctive relief. All remedies provided herein shall be cumulative and not exclusive.

5.140.110 Enforcement.

(a) Administrative Fines

(1) Any Covered Establishment or person violating, or causing the violation, of any provision of this Chapter, including, but not limited to, operating a Commercial Autonomous AI-Controlled Robot without a valid Permit, failing to pay any required fee, or failing to adhere to Permit conditions, shall be subject to the administrative remedies set forth in San Mateo County Ordinance Code Chapter 1.40, including administrative fines and abatement. Each Covered Robot and/or each location where any such Robot is operated that is found to be out of compliance with this Chapter shall constitute a separate violation. Each day on which such violation is committed or allowed to continue shall constitute a separate offense and shall be punishable as such.

(2) Any outstanding fines must be paid prior to the issuance of any new Permit or renewal of a Permit.

(b) Permit Suspension and Revocation.

(1) Any Permit issued pursuant to Section 5.140.040 may be denied, suspended, or revoked if the Code Compliance Manager or their designee has reasonable cause to believe any of the following to be true:

A. The Covered Establishment has violated any County ordinances relating to the operation of their commercial establishment contained in the San Mateo County Ordinance Code;

B. The Covered Establishment is in violation of any State or EHS health and safety law or regulation regarding operation of their commercial establishment;

C. The Covered Establishment has failed to comply with any condition or requirement of a Permit issued pursuant to this Chapter, submitted false or misleading information in relation to its Permit, or has failed to pay any fee imposed under this Code;

D. The Code Compliance Manager determines that the Covered Establishment's Covered Robot poses an imminent risk of harm to public safety; or

E. The Covered Establishment or applicant has had their Permit denied, suspended, or revoked for violations of this Chapter in the two years prior to the present denial, suspension, or revocation.

(2) If, after investigation, the Code Compliance Manager or their designee concludes that it is probable that one or more of the above grounds for denial, suspension, or revocation has occurred, they shall cause written notice of proposed revocation or suspension of the Permit to be transmitted by mail to the address of the Covered Establishment provided in the Covered Establishment's application. That notice shall specify the grounds of proposed denial, revocation, or suspension of the Permit and shall specify a date and time for an informal hearing to be held before the Code Compliance Manager. The informal hearing date shall be at least ten calendar days after the date the notice is mailed. After the informal hearing, the Code Compliance Manager may deny, suspend, or revoke the Permit or modify its terms to address the grounds that gave rise to the notice of proposed suspension or revocation.

(3) The Covered Establishment may appeal the decision of the Code Compliance Manager to the County Executive Officer or the County

Executive Officer's designee if the Covered Establishment gives written notice of such appeal within five business days of the decision. The decision of the County Executive Officer or their designee shall be final.

(c) A violation of this Chapter is also grounds for revocation of any license or permit to operate under Title 5 (Business Regulations) of this Ordinance Code, if applicable.

(d) This Chapter shall not be interpreted to limit the applicable criminal, civil, or administrative remedies available under law. Any violation of this Chapter is a misdemeanor.

SECTION 2. SEVERABILITY. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

SECTION 3. EFFECTIVE DATE. This Ordinance shall be effective 30 days from the date of adoption.

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