

ORDINANCE 2019 – 40

AN ORDINANCE OF THE CITY OF MT. JULIET TO LIMIT THE USES OF AUTOMATED LICENSE PLATE READERS AND TO PROVIDE PUBLIC TRANSPARENCY

Whereas, automated/automatic license plate readers (ALPRs) capture computer-readable images that allow law enforcement to compare plate numbers against plates of stolen cars or cars driven by individuals wanted on criminal charges;

Whereas, the data collected can enhance law enforcement's ability to investigate and enforce the law, but also raise concerns that the information collected may be placed into databases and shared without restrictions on use, retained longer than necessary, and used or abused in ways that could infringe on individuals' privacy;

Whereas, the Board of Commissioners of the City of Mt. Juliet desire to equip law enforcement with the needed tools to perform their jobs in the most efficient and effective manner;

Whereas, the City of Mt. Juliet seeks to balance the needs of law enforcement and the need for transparency;

Now, therefore, be it ORDAINED by the City of Mt. Juliet Board of Commissioners the City of Mt. Juliet as follows:

Section 1. The term "automated license plate readers" (ALPRs), "captured plate data," and "Governmental entity" is defined by Tennessee Code Annotated §55-10-302 (a)

- (1) "Automated license plate recognition system" means one (1) or more fixed high-speed cameras combined with computer algorithms to convert images of license plates into computer-readable data;
- (2) "Captured plate data" means the global positioning device coordinates, date and time, photograph, license plate number, and any other data captured by or derived from any automated license plate recognition system; and
- (3) "Governmental entity" means any lawfully established department, agency or entity of this state or of any political subdivision of this state.

Section 2. The term "automated license plate readers" (ALPRs) shall also include mobile high-speed cameras combined with computer algorithms to convert images of license plates into computer-readable data.

Section 3. All data retention shall be subject to Tennessee Code Annotated §55-10-302 (b)

Any captured plate data collected or retained by any governmental entity through the use of an automated license plate recognition system may not be stored for more than thirty

(30) days unless the data is retained or stored as part of an ongoing investigation, and in that case, the data shall be destroyed at the conclusion of either:

- (1) An investigation that does not result in any criminal charges being filed; or
- (2) Any criminal action undertaken in the matter involving the captured plate data.

Section 4. Automated license plate readers (ALPR) shall not be used in a way to constitute an unmanned traffic enforcement camera as described in Tennessee Code Annotated §55-8-198.

Section 5. The selling or making available of captured plate data generated by automated license plate readers (ALPR) to a non-governmental entity as defined by Tennessee Code Annotated §55-10-302 (a) (3) is hereby prohibited except where provided for by state law.

Section 6. Automated sharing of captured plate data generated by automated license plate readers (ALPR) with another governmental entity as defined by Tennessee Code Annotated 55-10-302 (a) (3) must be listed on the city's website within fifteen (15) days after sharing.

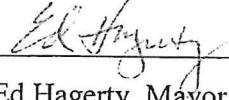
BE IT FURTHER ORDAINED

Section 1. In case of conflict between this ordinance or any part hereof, and the whole or part of any existing ordinance of the City, the conflicting ordinance is repealed to the extent of the conflict but no further.

Section 2. If any section, clause, provision or portion of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision or portion of this ordinance.

Section 3. That this ordinance shall take effect at the earliest date allowed by law, the public welfare requiring it.

PASSED: 9/9/2019

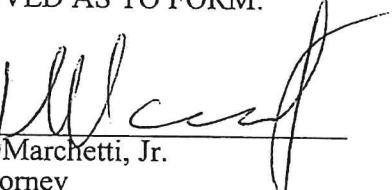

Ed Hagerty, Mayor

FIRST READING: 8/26/2019
SECOND READING: 9/9/2019

ATTEST:


Sheila S. Luckett, MMC
City Recorder

APPROVED AS TO FORM:


L. Gino Marchetti, Jr.
City Attorney


Kenny Martin, City Manager