

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHANDLER, ARIZONA, DECLARING THAT DOCUMENT ENTITLED “ADDITION OF CHAPTER 16, PROHIBITION OF AUTOMATED LICENSE PLATE READER SYSTEMS, TO PART III, PUBLIC SAFETY, OF THE CHANDLER CITY CODE” TO BE A PUBLIC RECORD; AMENDING THE CHANDLER CITY CODE BY ADDING NEW CHAPTER 16, PROHIBITION OF AUTOMATED LICENSE PLATE READER SYSTEMS, PROHIBITING THE ACQUISITION, OPERATION, USE, AND FUNDING OF AUTOMATED LICENSE PLATE READER SYSTEMS BY THE CITY, REQUIRING THE DECOMMISSIONING OF EXISTING SYSTEMS AND THE DESTRUCTION OF COLLECTED DATA, PROHIBITING INDIRECT ACCESS AND CIRCUMVENTION, AND CONDITIONING ANY FUTURE ADOPTION ON APPROVAL BY THE QUALIFIED ELECTORS OF THE CITY; CREATING CIVIL REMEDIES; DIRECTING THE TERMINATION OF EXISTING AGREEMENTS; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR PENALTIES.

WHEREAS the City of Chandler holds itself to the highest ethical and operational standards, which includes only doing business with highly reputable companies whose conduct reflect those same standards; and

WHEREAS, the City of Chandler operates a network of automated license plate reader cameras that photograph and record the license plates, locations, and times of passage of vehicles traveling on public streets, the overwhelming majority of which are operated by persons suspected of no offense; and

WHEREAS, the City’s audit records for January 2026 reflect approximately four hundred fifty-four (454) queries by the Chandler Police Department and nearly forty thousand (40,000) audit-log entries reflecting access to Chandler data by outside agencies in the same month, demonstrating that data collected about Chandler residents is predominantly consumed by entities the City does not control and that administrative controls on networked license plate reader systems have not been effective in practice; and

WHEREAS, documented misuse of networked license plate reader systems nationally includes searches of thousands of agency networks in connection with reproductive health care, lookups performed on behalf of federal immigration authorities including by Arizona agencies, at least fifty (50) reported cases of officers surveilling intimate partners or personal targets, official search-reason logs at an Arizona agency containing ethnic slurs, and wrongful gunpoint stops of innocent motorists, including children, caused by misread plates; and

WHEREAS, vendors of such systems have exhibited material security and candor failures, including exposure of live camera feeds to the public internet, government user credentials circulating in malware

markets, a state audit finding undisclosed federal access enabled by the vendor, and municipal contract terminations for unauthorized installations, unauthorized reactivations, and misrepresentation of system capabilities; and

WHEREAS, more than fifty (50) United States cities have terminated or declined to renew automated license plate reader contracts since 2025, including the Arizona cities of Flagstaff, by unanimous vote of its council in December 2025, Sedona in 2025, South Tucson in 2025, Sierra Vista in 2026, and Pinal County in 2026 without demonstrated detriment to public safety; and

WHEREAS, the Supreme Court of the United States in *Carpenter v. United States* (2018) and *Chatrie v. United States* (2026) has recognized that aggregated, retrospective records of a person's movements implicate the Fourth Amendment notwithstanding their collection in public or their custody by a third party, and Article II, Section 8 of the Arizona Constitution provides that no person shall be disturbed in his private affairs without authority of law; and

WHEREAS, pursuant to Section 2.13 of the Chandler City Charter, an ordinance is required to adopt or amend a city code and to provide for a fine or penalty; and

WHEREAS, the City Council finds that the indiscriminate, suspicionless collection and networked dissemination of the movements of the traveling public is not compatible with the constitutional traditions of this state and nation, that experience in this City and elsewhere demonstrates that policy-based safeguards on such systems fail in practice, and that the appropriate remedy is prohibition.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Chandler, Arizona, as follows:

Section 1. That certain document entitled "Addition of Chapter 16, Prohibition of Automated License Plate Reader Systems, to Part III, Public Safety, of the Chandler City Code," of which one (1) paper copy and one (1) electronic copy are on file in the Office of the City Clerk, is hereby declared to be a public record, and said copies are ordered to remain on file with the City Clerk.

Section 2. That the Chandler City Code, Part III, Public Safety, is hereby amended by adding a new Chapter 16, Prohibition of Automated License Plate Reader Systems, to read as set forth in the public record described in Section 1 of this ordinance, which is attached hereto and incorporated herein by this reference.

Section 3. Providing for Termination of Existing Agreements. That the City Manager is hereby directed to terminate, effective at the earliest date permitted by their terms, all contracts, subscriptions, and agreements for automated license plate reader systems to which the City is a party; to suspend all use of such systems immediately upon the effective date of this ordinance; and to report completion of the

decommissioning and data-destruction requirements of Section 16-4 of the Chandler City Code to the City Council in a public meeting within ninety (90) days of the effective date of this ordinance.

Section 4. Providing for Repeal of Conflicting Ordinances. All ordinances or parts of ordinances in conflict with the provisions of this ordinance, or any parts hereof, are hereby repealed.

Section 5. Providing for Severability. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

Section 6. Providing for Penalties. Unless otherwise designated, a violation of this ordinance is a civil infraction subject to the provisions of Section 1-8.7 of the Chandler City Code. Any person who knowingly operates an automated license plate reader system, or knowingly uses, queries, requests, or discloses automated license plate reader data, in violation of Section 16-3 of the Chandler City Code, as added by this ordinance, shall be guilty of a Class 1 misdemeanor and subject to the penalty provisions of **Section 1-8** of the Chandler City Code.

INTRODUCED AND TENTATIVELY APPROVED by the City Council of the City of Chandler, Arizona, this ____ day of _____, 2026.

MAYOR

ATTEST:

CITY CLERK

PASSED AND ADOPTED by the City Council of the City of Chandler, Arizona, this ____ day of _____, 2026.

MAYOR

ATTEST:

CITY CLERK

CERTIFICATION

I HEREBY CERTIFY that the above and foregoing Ordinance No. _____ was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the ____ day of _____, 2026, and that a quorum was present thereat.

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

Published: _____

{PUBLIC RECORD FOR ORDINANCE NO. _____}

ADDITION OF CHAPTER 16, PROHIBITION OF AUTOMATED LICENSE PLATE READER SYSTEMS, TO PART III, PUBLIC SAFETY, OF THE CHANDLER CITY CODE

The Chandler City Code, Part III, Public Safety, is hereby amended by adding a new Chapter 16, Prohibition of Automated License Plate Reader Systems, to read as follows (new text being added in its entirety, it is set out in full without redline notation):

CHAPTER 16 — PROHIBITION OF AUTOMATED LICENSE PLATE READER SYSTEMS

16-1. Purpose; construction.

16-1.1 The purpose of this chapter is to prohibit the acquisition, operation, use, and funding of automated license plate reader systems by the City, to require the decommissioning of existing systems and the destruction of data collected by them, and to prevent circumvention of that prohibition through indirect access to such systems operated by others.

16-1.2 This chapter shall be liberally construed in favor of privacy and constitutional protections outlined under, but not limited to, the Fourth Amendment to the United States Constitution and the Arizona Constitution Article II Section 8. Nothing in this chapter shall be construed to authorize any practice not expressly permitted herein.

16-2. Definitions.

For this chapter, the following terms shall have the meanings respectively ascribed to them herein unless the context requires otherwise:

ALPR system means any system, mobile or fixed, of one (1) or more cameras, sensors, or devices, together with associated hardware, software, and databases, that automatically captures, reads, or records license plates or other vehicle-identifying information, including vehicle make, model, color, damage, decals, or similar attributes, and renders such information searchable or comparable against any list or database, whether owned by the City or provided as a service. ALPR system does not include a camera or recording system that requires manual review to identify a license plate and performs no automated plate recognition, nor photo enforcement systems separately authorized and regulated by state law.

ALPR data means any data collected, generated, or derived by an ALPR system, including plate reads, images, vehicle attributes, timestamps, locations, hot-list matches, query records, and audit trails.

City agency means every department, office, board, commission, and employee of the City, and every contractor or agent acting on behalf of the City.

Query means any search, retrieval, review, analysis, or export of stored ALPR data, however initiated and by whomever performed.

16-3. Prohibition.

16-3.1 No City agency shall acquire, install, operate, maintain, borrow, lease, subscribe to, accept, including by gift, grant, trial, or pilot program, or use any ALPR system.

16-3.2 No City agency shall query any ALPR system or ALPR data; request, direct, or knowingly receive ALPR data or the results of any query from any other governmental agency, private entity, or person; or

provide information to another agency, entity, or person for the purpose of causing a query of an ALPR system to be performed.

16-3.3 No City agency shall expend or authorize the expenditure of any funds, including grant funds and asset-forfeiture funds, on any ALPR system, and no City agency shall enter into, renew, or extend any contract, subscription, memorandum of understanding, or data-sharing agreement concerning any ALPR system.

16-3.4 No City agency shall permit the installation or operation of any ALPR system on City-owned or City-controlled property, rights-of-way, or infrastructure by any other governmental agency or private entity, except where the City is required to permit such installation by state or federal law, in which case the City shall grant no greater access than the law requires and shall disclose each such installation on the City's website.

16-3.5 Exceptions.

This chapter does not prohibit:

- A. The use, in a specific criminal case, of ALPR data lawfully obtained by the City before the effective date of this chapter and preserved as evidence in that case before that date;
- B. The receipt or use of ALPR data produced to the City pursuant to a search warrant, court order, or subpoena issued in a specific case, or produced by a defendant, provided that no City agency requested or arranged the underlying collection or query; or
- C. The receipt of a specific, unsolicited report from a member of the public or another agency identifying a particular vehicle in connection with a specific offense.

16-4. Decommissioning; destruction of data.

16-4.1 All ALPR cameras and equipment operated by or for the City shall be deactivated within seven (7) days, and removed within thirty (30) days, of the effective date of this chapter.

16-4.2 All ALPR data in the possession, custody, or control of the City or any vendor acting for the City, other than data described in Section 16-3.5.A, shall be permanently destroyed in a manner that renders it unrecoverable within thirty (30) days of the effective date of this chapter, and the vendor shall certify such destruction in writing.

16-4.3 Compliance with this section, including the vendor's certification of destruction, shall be verified by a qualified auditor outside the Police Department and reported to the City Council in a public meeting within ninety (90) days of the effective date of this chapter. The verification report is a public record.

16-5. Future adoption restricted.

No ALPR system shall be acquired, operated, or used by any City agency at any time unless such acquisition, operation, or use has first been approved by [a majority of the qualified electors of the City voting on the question at a regular municipal election] [an affirmative vote of at least two-thirds (2/3) of

the members of the City Council, adopted by ordinance after at least two (2) noticed public hearings held not less than thirty (30) days apart], following publication of the full proposed contract, a surveillance impact report, and a proposed use policy. Any authorization so granted shall expire automatically twenty-four (24) months after its effective date unless renewed in the same manner.

16-6. Enforcement.

16-6.1 Non-use of unlawfully obtained data. ALPR data collected, received, queried, or used in violation of this chapter, and any evidence derived therefrom, shall not be used, referenced, or relied upon by the City or any of its employees in any criminal, civil, or administrative proceeding, and shall not be furnished to any prosecuting agency, except that nothing in this section prohibits disclosure of exculpatory evidence to a defendant.

16-6.2 Civil remedy. Any person whose license plate, vehicle, or movements have been captured, retained, queried, analyzed, or disclosed in violation of this chapter, or who has otherwise been harmed by a violation of this chapter, may bring a civil action in any court of competent jurisdiction against the City, or against any individual who knowingly caused the violation, or both, and may recover:

A. Actual damages, but not less than liquidated damages in the amount of two thousand five hundred dollars (\$2,500.00) per violation, or one hundred dollars (\$100.00) per day for each day of a continuing violation, whichever is greater;

B. Punitive or exemplary damages against an individual defendant, upon proof of willful or reckless disregard of this chapter, to the extent permitted by law;

C. Preliminary and permanent injunctive relief, declaratory relief, and relief in the nature of mandamus, which shall be available to any resident of the City without proof of individualized damages; and

D. Reasonable attorney's fees and costs, which shall be awarded to a prevailing plaintiff.

By the adoption of this chapter, the City consents to suit and to the liquidated-damages remedy provided herein to the maximum extent permitted by Arizona law. Compliance with A.R.S. § 12-821.01 satisfies any pre-suit notice requirement for claims for damages; no notice of claim is required for claims seeking only injunctive or declaratory relief.

16-6.3 Discipline; referral. Knowing violation of this chapter by a City employee constitutes grounds for termination of employment. Every substantiated violation shall be referred to the Arizona Peace Officer Standards and Training Board where applicable and, where the conduct may violate state law, including A.R.S. § 13-2316, to an appropriate prosecuting agency.

16-6.4 Whistleblower protection. No employee shall suffer retaliation for reporting, in good faith, a suspected violation of this chapter. Reports may be made directly to the City Council, the City's internal auditor, or the auditor described in Section 16-4.3.

16-6.5 Remedies cumulative. The remedies in this section are cumulative and in addition to any other remedy at law or in equity, including remedies under the Fourth Amendment to the United States Constitution, 42 U.S.C. § 1983, and Article II, Section 8 of the Arizona Constitution.

DRAFTING NOTES (for the coalition and the City Attorney — remove before filing)

1. Relationship to the regulatory draft. This ordinance and the previously prepared “Chandler ALPR Accountability Ordinance” (regulatory Chapter 16) are alternatives occupying the same chapter number: file this one as the lead ask, with the regulatory version as the documented fallback. They share definitions, the civil remedy, and Chandler formatting, so Council can move between them without redrafting.
2. Anti-circumvention. Section 16-3.2 is the provision that makes this a real ban rather than a symbolic one: it prohibits Chandler personnel from obtaining ALPR results through neighboring agencies (e.g., Mesa or DPS), private or HOA camera networks, or vendor “assists” — the indirect channels documented in the Illinois and Texas audit-log reporting. Section 16-3.5.B preserves ordinary judicial process: if another sovereign lawfully holds ALPR evidence, the City may receive it under a warrant, order, or subpoena it did not engineer.
3. Carve-outs kept deliberately narrow. The ALPR system definition excludes manually reviewed footage and state-law-regulated photo enforcement so the ban cannot be attacked as covering ordinary CCTV or school-zone enforcement; no other exceptions are included. If Council seeks a stolen-vehicle or AMBER-alert exception, that is the regulatory draft, not this one — a “ban with hot-list exceptions” is functionally the accountability ordinance and should be negotiated on those terms.
4. Future-adoption gate, Section 16-5. Two bracketed options: voter approval at a regular municipal election (the stronger gate, modeled on Arizona HB 2917 (2026), which passed Senate committee with bipartisan support), or a two-thirds Council vote after two public hearings. Select one before filing. Charter Article VIII (initiative and referendum) also permits this entire ordinance to be pursued by initiative petition if Council declines to act — a route worth noting publicly.
5. Termination timing, ordinance Section 3. Drafted as “earliest date permitted by their terms” to avoid a breach claim; use suspended immediately regardless. If the current Flock agreement is on a renewal footing as of the August 13, 2026 vote, simple non-renewal moots the termination clause and this ordinance operates prospectively as the permanent bar.
6. Legal review items. (a) Consent-to-suit and liquidated damages against A.R.S. § 12-821.01 and § 12-820 et seq. (same issue as the regulatory draft); (b) Section 16-3.4’s required-by-law proviso (state highway or utility installations in rights-of-way); (c) confirmation that no state statute preempts a municipal prohibition on the City’s own procurement and use (none identified as of August 2026; SB

1111 failed March 2026, HB 2917 status should be checked); (d) records-retention obligations for data destroyed under Section 16-4.2 (destruction schedule approval, if required, under A.R.S. § 41-151.19).

7. Precedent for prohibition. New Hampshire RSA 261:75-b (near-ban statewide, 3-minute purge); Flagstaff and Sedona terminations (2025); Austin, Denver, Evanston, Cambridge, Oshkosh, and fifty-plus other municipal exits (2025–2026); municipal bans on face recognition (San Francisco, Boston, Portland) as the structural template for banning a surveillance technology by ordinance while excluding incidental capabilities.