

PREPARED BY:
CITY OF LEAD
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ORDINANCE #1128-26

AN ORDINANCE PROHIBITING THE USE OF AUTOMATED LICENSE PLATE READERS AND MASS SURVEILLANCE TECHNOLOGY IN THE CITY OF LEAD, SOUTH DAKOTA

GENERAL PROVISIONS

BE IT ORDAINED by the City Commission of the City of Lead that, pursuant to SDCL Chapter 9-19, the City of Lead Ordinances listed below be amended to read as follows:

CHAPTER 70: GENERAL REGULATIONS: AUTOMATED LICENSE PLATE READERS AND MASS SURVEILLANCE TECHNOLOGY

§ 70.70 USE OF AUTOMATED LICENSE PLATE READERS AND MASS SURVEILLANCE TECHNOLOGY PROHIBITED.

WHEREAS, the City of Lead is a municipal corporation organized under the laws of the State of South Dakota, dedicated to protecting the constitutional rights, civil liberties, and fundamental privacy of its residents; and

WHEREAS, the foundational framework of a free society rests upon the premise of "We the People," establishing that government entities exist to serve the citizenry and must operate within strict boundaries that respect individual autonomy; and

WHEREAS, a free society is fundamentally incompatible with indiscriminate continuous government surveillance of law-abiding citizens who are not suspected of any criminal wrongdoing; and

WHEREAS, Automated License Plate Reader (ALPR) systems, such as Flock Safety cameras, continuously collect, log, and store location and movement data on the general public without individualized judicial warrants or probable cause; and

WHEREAS, the accumulation and third-party corporate storage of mass tracking data creates severe vulnerabilities regarding data privacy, corporate exploitation, and unwarranted government intrusion; and

WHEREAS, the City Commission of the City of Lead finds that the prohibition of such mass surveillance technology is necessary to preserve the freedom, privacy, and peace of mind of the community;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF LEAD, SOUTH DAKOTA:

SECTION 1: DEFINITIONS

For the purposes of this Ordinance, the following terms shall have the meanings ascribed to them:

1. "Automated License Plate Reader" (ALPR): Any system consisting of one or more high-speed, camera-based sensors combined with computer algorithms to automatically convert images of license plates, vehicles, or travelers into computer-readable data for tracking, monitoring, or logging purposes.
2. "Mass Surveillance Technology": Any device, infrastructure, or system designed or utilized to intercept, acquire, or log data on the movements, identity, or daily habits of the general public without individual reasonable suspicion of criminal activity.

SECTION 2: PROHIBITION OF SURVEILLANCE INFRASTRUCTURE

1. Acquisition and Use Prohibited: It shall be unlawful for the City of Lead, or any department, official, agency, contractor, or law enforcement officer thereof, to purchase,

lease, install, accept, or utilize any Automated License Plate Reader system or associated mass surveillance data networks within the municipal borders of Lead.

- 2. Third-Party Data Restrictions: No data derived from any ALPR system operated by a third party, private entity, or adjacent jurisdiction shall be actively utilized by local city agencies for proactive, warrantless monitoring of the general public.

SECTION 3: EXCEPTIONS

This Ordinance does not apply to, nor does it prohibit, the following:

- 1. Standard Security Footage: The use of standard, localized closed-circuit security cameras (CCTV) on city-owned property, provided they do not utilize automated vehicle-tracking software, facial recognition software, or sync to a centralized network designed for mass public tracking.
- 2. Targeted Law Enforcement Investigations: The temporary use of specialized investigative tools during an active, specific criminal investigation, provided such use is authorized by a judicial warrant based on probable cause.
- 3. ALPR’s owned and/or operated by State or Federal Authorities.

SECTION 4: SEVERABILITY

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

Those voting aye:

Those voting nay:

ATTEST:

Dustin Heupel
City of Lead, Mayor
(Seal)

Robin Lucero
City of Lead, City Administrator

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