CITY OF BROKEN BOW ORDINANCE
NO. 1315

AN ORDINANCE OF THE CITY OF BROKEN BOW, NEBRASKA AMENDING CHAPTER 130: PROPERTY OFFENSES OF THE CITY OF BROKEN BOW MUNICIPAL CODE PROHIBITING THE INSTALLATION, OPERATION, OR MAINTENANCE OF AUTOMATED LICENSE PLATE READER SYSTEMS AND SIMILAR NETWORKED VEHICLE MONITORING EQUIPMENT WITHIN THE CORPORATE LIMITS WITHOUT THE PRIOR EXPRESS PERMISSION OF THE CITY COUNCIL; PROVIDING DEFINITIONS, APPLICATION AND REVIEW PROCEDURES, ENFORCEMENT, PENALTIES, SEVERABILITY, AND AN EFFECTIVE DATE; AND PROVIDING FOR PUBLICATION; TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND TO PROVIDE AN EFFECTIVE DATE.

SECTION 1. The City of Broken Bow Municipal Code Chapter 130 shall be amended by adding Section 130.06 as follows:

A. FINDINGS AND PURPOSE

The Mayor and City Council find and declare as follows:

1.1. Automated license plate reader (ALPR) systems and similar networked vehicle-monitoring technologies are capable of capturing, storing, and sharing vehicle identification and movement data on a continuous basis.

1.2. Unregulated deployment of such systems raises legitimate concerns regarding the privacy of residents and visitors, the potential for misuse of collected data, and the desire of the community to exercise local democratic control over surveillance infrastructure within its corporate limits.

1.3. Nebraska law (the Automatic License Plate Reader Privacy Act, Neb. Rev. Stat. §§ 60-3201 et seq.) already regulates the use of ALPR systems by governmental entities. Local regulation of the physical installation of such systems is a complementary exercise of the City's police power under Neb. Rev. Stat. § 17-505 to protect the peace, good government, and welfare of the City.

1.4. This ordinance is not intended to prohibit traditional private security cameras that record solely for the owner's or occupant's own use, nor is it intended to create a monopoly or to ban the technology outright. It requires prior local legislative approval so that any deployment occurs only with the informed consent of the elected City Council after public process.

1.5. The ordinance is enacted to balance public-safety interests with privacy and local-control interests in a manner that remains open to legitimate free-market proposals that demonstrate net community benefit.

B. DEFINITIONS

For purposes of this ordinance:

1.1. "Automated License Plate Reader System" or "ALPR System" means one or more fixed or mobile cameras used in combination with computer algorithms or software to automatically convert images of license plates (or other vehicle identifiers) into computer-readable data, and that stores, transmits, or shares such data with any

external database, network, or third party.

1.2. "Similar Networked Vehicle Monitoring Equipment" means any system that performs substantially the same function as an ALPR System, including but not limited to systems marketed or provided by Flock Safety or any successor or substantially similar provider (e.g., Axon, AutoVu, Vigilant), that captures vehicle identification or location data and transmits or shares it beyond the immediate private use of the installing party.

1.3. The terms in paragraphs 1.6 and 1.7 do **not** include:

1.3.1.1. Traditional closed-circuit or digital security cameras that record images solely for the private use of the property owner or occupant and that do not employ automated license-plate (or vehicle-identifier) recognition algorithms or transmit data to any external networked database or third-party service for tracking or sharing purposes; or

1.3.1.2. Any system owned, operated, or contracted for exclusively by the City of Broken Bow and expressly authorized by the City Council.

1.4. "Person" means any individual, firm, partnership, corporation, association, limited liability company, or other entity.

C. PROHIBITION

1.1. No person shall install, cause to be installed, operate, maintain, or permit the installation, operation, or maintenance of any Automated License Plate Reader System or Similar Networked Vehicle Monitoring Equipment within the corporate limits of the City of Broken Bow without the prior express written permission of the Broken Bow City Council granted by Resolution after public hearing.

D. APPLICATION AND REVIEW PROCEDURE

1.1. Any person seeking permission shall submit a written application to the City Clerk, Zoning Administrator, or City Administrator containing, at a minimum:

1.1.1. Precise location(s) of proposed equipment;

1.1.2. Description of the equipment, technology, and data-capture and data-handling practices;

1.1.3. Identity of the owner/operator and any third-party service providers;3Stated purpose and any proposed public-safety benefits;

1.1.4. Proposed data-retention, access, and sharing policies; and

1.1.5. Such other information as the City Administrator or City Attorney may reasonably request.

1.2. Upon receipt of a complete application, the City Clerk, shall schedule a public hearing before the City Council. This may be completed as a part of a regularly scheduled City Council meeting or a Special Meeting. Notice shall be given in the same manner as required for ordinances or as otherwise directed by the Council, in accordance with Nebraska statutes.

1.3. At the hearing the Council may consider, among other relevant factors:

1.3.1. Demonstrated public-safety benefit;

1.3.2. Privacy and civil-liberty impacts;

1.3.3. Data-security and sharing practices;

1.3.4. Aesthetic, traffic-safety, and right-of-way effects;

1.3.5. Consistency with community values and with the Nebraska Automatic License Plate Reader Privacy Act;

1.3.6. And any conditions that would mitigate concerns.

1.4. The Council may grant, grant with conditions, or deny the application by Resolution. Any approval is discretionary and does not create a vested right beyond the terms of the approval. Approval under this ordinance does not relieve the applicant of any separate zoning, building, electrical, or right-of-way permit requirements.

E. EXISTING INSTALLATIONS

1.1. Any ALPR System or Similar Networked Vehicle Monitoring Equipment already installed within the corporate limits on the effective date of this ordinance shall be brought into compliance (by obtaining permission or by removal) within ninety (90) days after the effective date, or such longer period as the City Council may grant for good cause shown.

F. ENFORCEMENT AND PENALTIES

1.1. Violation of this ordinance is a civil offense. Each day a violation continues after notice shall constitute a separate offense.

1.2. Any person who violates this ordinance shall be subject to a fine not exceeding Five Hundred Dollars ($500.00) for each offense, recoverable with costs, consistent with Neb. Rev. Stat. § 17-505.

1.3. In addition to any fine, the City may issue a written notice to abate, may seek injunctive or other equitable relief in any court of competent jurisdiction, and may remove or cause the removal of non-compliant equipment after notice and opportunity to be heard, with the cost of removal assessed against the responsible party and collected as any other special assessment or by civil action.

1.4. Nothing in this ordinance limits any other remedy available under state or local law.

G. SEVERABILITY

1.1. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions.

H. EFFECTIVE DATE AND PUBLICATION

1.1. This ordinance shall take effect and be in full force from and after its passage, approval, and publication or posting as required by law.

SECTION 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Dated this 11th day of August 2026.

Rodney W. Sonnichsen, Mayor

CITY OF BROKEN BOW CORPORATE SEAL NEBRASKA

ATTEST:

Jennifer A. Waterhouse, City Clerk