FILED
NOV 17 2026
Belinda Munson
MUNCIE CITY CLERK

MUNCIE COMMON COUNCIL ORDINANCE NO. 29 - 26

AN ORDINANCE ADDING CHAPTER 105 TO THE MUNCIE CITY CODE REGULATING THE CITY OF MUNCIE'S USE OF AUTOMATED SURVEILLANCE TECHNOLOGIES, EMERGING SURVEILLANCE SYSTEMS AND UNMANNED AERIAL VEHICLES

WHEREAS, the Common Council of the City of Muncie, Indiana, possesses legislative authority under Indiana Home Rule (I.C. 36-1-3) to establish municipal policies, safeguard constitutional rights, and oversee municipal appropriations; and

WHEREAS, the deployment of mass surveillance technology — including Automated License Plate Readers (ALPRs), Unmanned Aerial Vehicles (drones), facial recognition systems, cell-site simulators, and gunshot detection systems — presents significant civil liberties, privacy, and data-governance concerns for residents and visitors of Muncie; and

WHEREAS, transparent municipal governance requires that all significant surveillance operations, procurement contracts, hardware acceptances, and data-sharing agreements be subject to explicit legislative review and public authorization by the Common Council; and

WHEREAS, it is necessary to establish uniform operational restrictions that bind all municipal executive departments, boards, and commissions operating within the corporate limits of the City of Muncie; and

WHEREAS, the Common Council finds that requiring public quarterly reporting on surveillance system operation is essential to meaningful oversight and enforcement of any restrictions adopted herein;

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF MUNCIE, INDIANA, THAT a new chapter of the Muncie City Code, Chapter 105, "Automated Surveillance Technologies and Drones," shall be added to Title IX, and the Chapter shall read as follows:

SECTION 1: PURPOSE

The purpose of this Ordinance is to protect the health, welfare, privacy, civil liberties, and constitutional rights of all persons within the City of Muncie by limiting the City and its agencies from acquiring, operating, or accessing Automated License Plate Reader technology, unmanned aerial vehicles and emerging data-collection systems.

SECTION 2: DEFINITIONS

For the purposes of this Ordinance, the following terms shall have the specified meanings:

(a) "Automated License Plate Reader" (ALPR) means any connected camera system, hardware, or software designed to automatically scan, capture, process, or record vehicle license plate data, vehicle images, or driver characteristics, including but not limited to systems provided by Flock Safety or similar vendors.

(b) "Unmanned Aerial Vehicle" (UAV / Drone) means an aircraft operated without the possibility of direct human intervention from within or on the aircraft.

(c) "Emerging Surveillance System" means any automated system designed to collect, aggregate, analyze, or retain biometric, location, or behavioral data of individuals in public spaces, including but not limited to facial recognition systems, cell-site simulators (IMSI catchers), gunshot detection systems, and predictive policing software. This definition is intended to be forward-looking and shall encompass future technologies of a similar character not yet commercially available at the time of this Ordinance's enactment.

(d) "City Entity" means any department, agency, office, board, authority, or municipal commission established by or operating under the authority of the City of Muncie, or other instrumentality of the City of Muncie government specifically including, but not limited to, the Muncie Police Department (MPD), the Muncie Board of Public Works and Safety, and the Muncie Redevelopment Commission (MRC). It shall also mean any employee, contractor, or agent acting on behalf of the City or City Entity. However, nothing in this Chapter shall be construed as binding county, state or private entities operating outside city control.

(e) "Surveillance Funds" means any money derived from municipal taxation, Tax Increment Financing (TIF) allocations, Economic Development Income Tax (EDIT), federal or state grants, or private third-party contributions or donations, regardless of the donor's identity or stated purpose.

SECTION 3: LEGISLATIVE AUTHORIZATION REQUIRED

(a) Mandatory Approval. No City Entity shall purchase, lease, accept via donation or gift, or otherwise acquire ALPR hardware, UAV systems, Emerging Surveillance Systems, or associated software without prior, explicit authorization approved by an affirmative majority vote of the Common Council via resolution or ordinance. This prohibition applies regardless of the acquisition's cost or the source of funds, and specifically includes zero-cost donations or vendor sponsored pilot programs.

(b) Application to Municipal Boards. The funding restrictions in this Section apply to all revenue streams controlled, directly or indirectly, by the City of Muncie. The Muncie Redevelopment Commission (MRC) and any related TIF district authority are explicitly prohibited from allocating, transferring, or using Surveillance Funds for surveillance technology without prior Common Council approval.

(c) Grant and Inter-local Prohibition. No City Entity shall apply for, accept, or execute federal, state, or regional inter-local agreements for surveillance hardware, software, or data-sharing networks without prior Council authorization.

(d) Donated Hardware Prohibition. No City Entity shall accept donated surveillance hardware, software, or system credits from any private entity, vendor, foundation, or individual without prior Common Council approval by majority vote. Acceptance of a donation at zero cost does not exempt any acquisition from the authorization requirements of this Section.

(e) Operational Exception. The authorization requirements of this Section shall not apply to handheld license plate readers, vehicle-mounted mobile readers operated by on-duty law enforcement personnel, or automated systems used exclusively for parking enforcement, access control, or toll collection. This exception covers the device type only; all data captured by such devices remains subject to the retention, purging, and reporting requirements of Section 4.

SECTION 4: DATA RETENTION, PURGING, AND NETWORK RESTRICTIONS

(a) Prohibition on Automated Third-Party Network Sharing. Any authorized ALPR, UAV, or

Emerging Surveillance System operated by a City Entity is strictly prohibited from establishing automated, real-time data feeds into non-governmental nationwide databases, out-of-state entities, or private corporate data-sharing networks.

(b) Data Purging Mandate. All license plate data, location logs, biometric data, and non-investigative imagery captured by any city-operated surveillance hardware or unmanned aerial vehicle must be permanently deleted within thirty (30) days of capture, unless the specific record is required to be kept, retained or disseminated pursuant to a court order or is directly required as evidence in an active, ongoing criminal investigation supported by a judicial warrant issued in accordance with IC 35-33-5-9 or applicable statutory exceptions.

(c) Public Quarterly Reporting Requirement. Any City Entity operating an authorized surveillance system under this Ordinance shall submit a written quarterly compliance report to the Common Council. Each report shall include: (i) the total number of license plates, images, or data points captured during the quarter; (ii) the number of records retained beyond thirty (30) days, the case number associated with each, and the judicial warrant basis for retention; (iii) any third-party data requests received, the requesting agency or entity, the legal basis for compliance or refusal, and the number of records disclosed; and (iv) a certification by the department head that all data purge requirements have been met. Quarterly reports shall be made available to the public on the City's website within ten (10) days of submission to the Council.

SECTION 5: SUNSET OF EXISTING CONTRACTS AND SYSTEM DECOMMISSIONING

(a) Contract Non-Renewal. No active lease, service agreement, or software license for ALPR systems, UAVs, or Emerging Surveillance Systems shall be extended or renewed upon its scheduled expiration date without prior Common Council approval by majority vote.

(b) Hardware Decommissioning. Any physical ALPR hardware, cameras, or reading devices installed upon city-owned light poles, rights-of-way, or municipal infrastructure that lack explicit prior Common Council approval shall be rendered inactive immediately upon the enactment of this Ordinance unless such decommissioning would, in and of itself, constitute a violation of any existing contract. Such hardware shall be physically removed no later than the expiration of the existing contract or service agreement under which it operates, or within sixty (60) days of this Ordinance's enactment if no contract exists, whichever occurs first. Prior to decommissioning, the City Attorney shall review all existing contracts for early termination provisions and report findings to the Council within thirty (30) days of enactment so that council can determine if it wishes to grant authorization.

SECTION 6: PENALTIES AND ENFORCEMENT

(a) Any contract, lease, or financial agreement entered into by a City Entity in violation of this Ordinance shall be deemed void and unenforceable as against public policy.

(b) Any municipal funds expended in violation of this Chapter shall be reported to the State Board of Accounts for audit review and recovery.

(c) Any City Entity that fails to submit a required quarterly compliance report under Section 4(c) within the prescribed deadline shall be subject to a written notice of non-compliance issued by the Council President. If a compliant report is not received within fifteen (15) days of such notice, the Council may, by majority vote, suspend the City Entity's authorization to operate any surveillance system under this Ordinance until compliance is achieved.

(d) Any contract, lease or financial agreement entered into by a City Entity and authorized by the City Council shall include in its language that City Council has authorized the agreement under this Chapter and the date that it authorized the agreement.

SECTION 7: SEVERABILITY AND EFFECTIVE DATE

(a) If any section, clause, or provision of this Ordinance is held invalid by a court of competent jurisdiction, such invalidity shall not affect the remaining provisions, which shall continue in full force and effect.

(b) This Ordinance shall be in full force and effect from and after its passage by the Common Council, approval by the Mayor, and legal publication as provided by law.

PASSED AND ADOPTED by the Common Council of the City of Muncie, Indiana, this _____ day of November, 2026.

	Yeas	Nays	Abstained	Absent
Jeffrey Green	_____	_____	_____	_____
Nora Powell	_____	_____	_____	_____
Brandon Garrett	_____	_____	_____	_____
Sara Gullion	_____	_____	_____	_____
Jerry D. Dishman	_____	_____	_____	_____
Harold Mason, Jr.	_____	_____	_____	_____
Dale Basham	_____	_____	_____	_____
Ro Selvey	_____	_____	_____	_____
William McIntosh	_____	_____	_____	_____

_____

Jeffrey Green, President of Muncie Common Council

Presented by me to the Mayor for his approval, this _____ day of _____, 202__.

_____
Belinda Munson, Muncie City Clerk

The above Ordinance No. 26-____ is approved/vetoed by me this _____ day of _____, 202__.

_____
Dan Ridenour, Mayor of the City of Muncie

ATTEST: _____
Belinda Munson, Muncie City Clerk of the Common Council

This Ordinance is proposed and sponsored by Council Member[s]

Lora E Powell

Harold Mason

William B. McClain

This Ordinance is approved in form by Legal Counsel