CREATED BY COUNCILMEMBER SHEFFIELD FOR DISCUSSION / REVIEW

TOWN OF JEROME, ARIZONA

PROPOSED ORDINANCE — CLEAN TEXT

Discussion Draft — Revision 3 — September 14, 2026

Not introduced. Not scheduled. For Town Manager and Town Attorney review only.

Drafting note on numbering (delete before filing). The article number shown as 4-4 throughout this document is provisional. Article 4-3 of the Town Code is already assigned to the Uniform Fire Prevention Code and is not available. Article 4-4 has not been confirmed as unassigned. Verify against the current Town Code before filing; if 4-4 is occupied, renumber this Article and all internal cross-references globally.

Companion document. All explanatory commentary, legal background, scope limitations, and questions for counsel have been moved out of this document and into the accompanying transmittal memorandum, so that the text below can be reviewed and marked up as legislative language without commentary embedded in it.

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF JEROME, ARIZONA, AMENDING CHAPTER 4 OF THE TOWN CODE BY ADDING A NEW ARTICLE 4-4, SURVEILLANCE EQUIPMENT; REQUIRING TOWN COUNCIL APPROVAL PRIOR TO THE ACQUISITION, INSTALLATION, OR OPERATION OF SURVEILLANCE EQUIPMENT; REQUIRING TOWN COUNCIL APPROVAL FOR THE INSTALLATION OF SURVEILLANCE EQUIPMENT ON TOWN-OWNED PROPERTY OR TOWN RIGHTS-OF-WAY BY OTHER PERSONS OR GOVERNMENTAL ENTITIES; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, Town Code Section 4-2-7 permits apparatus and equipment for the Fire Department to be approved by the Town Manager or the Council, and therefore permits acquisition without any Council vote; and

WHEREAS, Article 4-1 of the Town Code, governing the Police Department, contains no equipment-approval provision of any kind; and

WHEREAS, the Council finds that equipment used to record or monitor activity in public places warrants a public agenda item and a Council vote before acquisition or installation, separate from the approval process applicable to routine departmental equipment; and

WHEREAS, the Town owns and controls real property and rights-of-way within its corporate limits and has authority to determine the terms on which fixed equipment is installed on that property; and

WHEREAS, the Council finds that this Ordinance is in the interest of the public health, safety, and welfare of the Town of Jerome;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Common Council of the Town of Jerome, Arizona, that Chapter 4 of the Town Code is amended by adding a new Article 4-4 to read as follows:

ARTICLE 4-4 SURVEILLANCE EQUIPMENT

Section 4-4-1 Definitions

For purposes of this Article, the following definitions apply:

A. "Surveillance Equipment" means any camera, video recording device, license plate reader, or similar equipment used for the purpose of recording, monitoring, or capturing images or activity in a public place, right-of-way, or on Town-owned property on an ongoing basis, regardless of whether the equipment is purchased and owned by the Town, leased, provided under a subscription or service agreement, or owned and operated by a third party under contract with or authorization from the Town, and regardless of whether the cost is a one-time purchase price or a recurring fee for access, monitoring, alerts, analytics, or data storage.

B. "Surveillance Equipment" does not include:

1. body-worn cameras used by law enforcement personnel in the course of an individual response or investigation;

2. dash-mounted cameras in Town vehicles; or

3. equipment used solely for internal building security within a Town facility that does not capture images of public areas outside that facility.

C. "Approval by majority vote" means the affirmative vote of a majority of the full membership of the Town Council at a regular or special meeting.

D. "Town property" means real property owned or controlled by the Town of Jerome, and any public right-of-way owned by, dedicated to, or maintained by the Town of Jerome.

Section 4-4-2 Council Approval Required — Town Departments

A. No department, officer, or employee of the Town of Jerome shall fund, acquire, lease, install, operate, or enter into any contract, subscription, or service agreement for Surveillance Equipment without the prior approval of the Town Council by majority vote.

B. This Section applies regardless of whether the equipment is owned by the Town or by a third party, and regardless of whether the Town's obligation is a one-time expenditure or a recurring fee.

C. This Section applies notwithstanding any other provision of this Code, including Section 4-2-7, to the extent that provision would otherwise permit approval of such equipment by the Town Manager alone.

Section 4-4-3 Approval Required — Installation by Other Persons or Governmental Entities on Town Property

A. No person, and no local, county, state, or federal governmental entity or agency other than the Town of Jerome, shall install, place, fund, or operate any Surveillance Equipment on Town property

without the prior approval of the Town Council by majority vote, obtained under the notice procedure required by Section 4-4-5.

B. This Section is an exercise of the Town's authority over its own real property and rights-of-way. It does not apply to, and does not purport to regulate, any governmental entity's own property, equipment, or personnel located outside Town property.

C. Nothing in this Section restricts, conditions, or otherwise affects the law-enforcement authority of any agency with jurisdiction within the Town, including the countywide authority of the Yavapai County Sheriff under A.R.S. § 11-441. This Section applies only to the physical installation and operation of equipment on Town property.

D. This Section does not apply to the right-of-way of any state highway, including State Route 89A, which is under the jurisdiction of the Arizona Department of Transportation pursuant to A.R.S. § 28-332(A).

E. Approval under this Section is in addition to, and not in lieu of, any permit or authorization otherwise required for use of or encroachment upon a Town right-of-way, including any permit required under Town Code Section 14-4-1.

Section 4-4-4 Conditions of Approval; Term; Removal

A. In granting approval under Section 4-4-2 or Section 4-4-3, the Council may impose conditions, including conditions governing location, mounting, field of view, hours of operation, data retention, data access, insurance, and indemnification.

B. Approval granted under Section 4-4-3 shall state a term not to exceed five (5) years and may be renewed by the Council upon application. The Council may revoke an approval granted under Section 4-4-3 for failure to comply with a condition of that approval, after written notice and a reasonable opportunity to cure.

C. Upon expiration or revocation of an approval granted under Section 4-4-3, the approved entity shall remove the equipment and restore the affected Town property at its own expense.

D. Where Surveillance Equipment is owned, hosted, or serviced by a third party, the governing contract, subscription, or service agreement shall provide that the third party may not use data collected by the equipment for any purpose other than delivering the contracted service to the Town, may not sell or share that data with any other party, and shall delete that data upon termination of the agreement.

E. An approval granted under Section 4-4-3 to another governmental entity may be memorialized in an intergovernmental agreement under A.R.S. § 11-952, or in a license or lease of Town property, as the Council determines appropriate.

Section 4-4-5 Public Notice

Any request for Council approval under Section 4-4-2 or Section 4-4-3 shall be identified as a distinct agenda item, described in ordinary language sufficient to inform the public of the type of equipment proposed and its intended location or coverage area, and posted in accordance with the Town's standard public meeting notice requirements under A.R.S. Title 38, Chapter 3, Article 3.1. No additional notice procedure beyond the Town's existing agenda-posting practice is required by this Article.

Section 4-4-6 Historic Overlay District Coordination

A. Surveillance Equipment proposed for installation within the boundaries of the Historic Overlay District shall, in addition to the approval required under Section 4-4-2 or Section 4-4-3, be reviewed by the Design Review Board, or by its successor body with jurisdiction over design review within the Historic Overlay District.

B. Review under this Section is limited solely to the visual placement, mounting, and appearance of the equipment for consistency with the streetscape and visual-quality standards applicable to signs, lighting, and street furniture under the Jerome Zoning Ordinance and the Historic Preservation Element of the General Plan.

C. Review under this Section is advisory only and does not extend to, and shall not be construed as authority over, whether the Surveillance Equipment is approved. That determination rests solely with the Town Council under Section 4-4-2 or Section 4-4-3.

D. Review under this Section shall occur before, or concurrently with, the Council's consideration of the request.

Section 4-4-7 Existing Equipment

A. Surveillance Equipment lawfully installed and in operation prior to the effective date of this Article may continue to be operated without approval under this Article.

B. Any material expansion, relocation, or replacement of such equipment, and any change in the capability of such equipment — including the addition of automated license plate reading, facial recognition or other biometric identification, automated analytics, remote access, or third-party access — shall require approval under Section 4-4-2 or Section 4-4-3, as applicable.

Section 4-4-8 Emergency Exception

Nothing in this Article prevents the temporary deployment of Surveillance Equipment by law enforcement or fire personnel in direct, immediate response to an active emergency. Any such temporary deployment intended to continue beyond the adjournment of the next regular meeting of the Town Council, or beyond thirty (30) days from deployment, whichever occurs first, shall require approval under Section 4-4-2 or Section 4-4-3, as applicable, to continue.

Section 4-4-9 Enforcement

A. Compliance with this Article is a condition of any Town department's authority to expend Town funds for Surveillance Equipment in any form, and a condition of any other person's or entity's use of Town property for that purpose.

B. No purchase order, contract, subscription agreement, or invoice for Surveillance Equipment, including a recurring payment under a service agreement, shall be processed or approved by the Town's finance function without documentation of Council approval obtained under Section 4-4-2.

C. The remedies in this Section are in addition to, and not in place of, any general penalty otherwise applicable under Article 1-8 of this Code.

Section 4-4-10 Severability

If any section, subsection, sentence, clause, phrase, or portion of this Article is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, or is held to violate state law by the Attorney General under A.R.S. § 41-194.01, that portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this Article.

Section 4-4-11 Effective Date

This Article shall take effect thirty (30) days after its passage and adoption.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Jerome, Arizona, this ____ day of _____, 20____.

_____ _____

Mayor Town Clerk

APPROVED AS TO FORM:

_____

Town Attorney

End of clean ordinance text.