



**Township Council**

c/o Township Clerk  
Teaneck, NJ 07666

Meeting: 02/23/21 08:00 PM  
Department: Township Clerk  
Category: Establish  
DOC ID: 6430

**ORDINANCE (ID # 6430)**

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**Ordinance No. 7-2021 ADDING ARTICLE XXXIV, "PRIVACY" TO CHAPTER 2 OF THE TOWNSHIP CODE ENTITLED "CHARTER/ADMINISTRATIVE CODE" BE IT RESOLVED by the Township Council of the Township of Teaneck that Ordinance #7-2021 pass upon second and final reading and that the Township Clerk is hereby authorized and directed to advertise the same according to law and to provide the appropriate notices in accordance with law.**

ADDING ARTICLE XXXIV, "PRIVACY" TO CHAPTER 2 OF THE TOWNSHIP CODE ENTITLED "CHARTER/ADMINISTRATIVE CODE"

BE IT RESOLVED by the Township Council of the Township of Teaneck that Ordinance #7-2021 pass upon second and final reading and that the Township Clerk is hereby authorized and directed to advertise the same according to law and to provide the appropriate notices in accordance with law.

**HISTORY:**

02/09/21          Township Council          INTRODUCED

**COMMENTS - Current Meeting:**

Councilman Kaplan went over the reasoning for this ordinance and examined some scenarios that this ordinance will address and make more efficient.

<b>RESULT:</b>	<b>ADOPTED BY CONSENT VOTE [UNANIMOUS]</b>
<b>MOVER:</b>	Keith Kaplan, Councilman
<b>SECONDER:</b>	Michael S Pagan, Councilman
<b>AYES:</b>	Schwartz, Orgen, Dunleavy, Rice, Kaplan, Pagan
<b>ABSENT:</b>	Elie Y. Katz

TOWNSHIP OF TEANECK  
BERGEN COUNTY, NJ

**ORDINANCE NO. 7-2021 ADDING ARTICLE XXXIV, “PRIVACY” TO  
CHAPTER 2 OF THE TOWNSHIP CODE ENTITLED  
“CHARTER/ADMINISTRATIVE CODE” BE IT RESOLVED BY THE  
TOWNSHIP COUNCIL OF THE TOWNSHIP OF TEANECK THAT  
ORDINANCE #7-2021 PASS UPON SECOND AND FINAL READING  
AND THAT THE TOWNSHIP CLERK IS HEREBY AUTHORIZED AND  
DIRECTED TO ADVERTISE THE SAME ACCORDING TO LAW AND  
TO PROVIDE THE APPROPRIATE NOTICES IN ACCORDANCE WITH  
LAW.**

WHEREAS, the Township Council of the Township of Teaneck (“Township”), Bergen County, New Jersey (“Council”) finds it is essential to have an informed public debate as early as possible about decisions related to surveillance technology; and

WHEREAS, the Council finds that decisions relating to surveillance technology should occur with strong consideration being given to the impact such technologies may have on civil rights and civil liberties, including those rights guaranteed by the First, Fourth, and Fourteenth Amendment to the United States Constitution, the New Jersey Law Against Discrimination, the New Jersey Civil Rights Act and the Township’s Policies against discrimination and harassment; and

WHEREAS, the Council finds that decisions regarding if and how surveillance technologies should be funded, acquired, or used, and whether data from such technologies should be shared, should not be made until meaningful public input has been solicited and given weight; and

WHEREAS, the Council finds that legally enforceable safeguards, including robust transparency, oversight, and accountability measures, must be in place to protect civil rights and civil liberties before new surveillance technologies are deployed; and

WHEREAS, the Council finds that, if a surveillance technology is approved, reporting measures must be adopted that empower the Council and public to verify that mandated civil rights and civil liberties safeguards have been strictly adhered to; and

WHEREAS, the Township Council of the Township of Teaneck wishes to add Article XXXIV to Chapter 2 to safeguard the public from unlawful invasions of privacy;

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Teaneck, Bergen County, New Jersey as follows:

**Article XXXIV shall read as follows:****Section 1. Definitions**

- (A) “Discriminatory” shall mean (1) disparate treatment of any individual(s) because of any real or perceived traits, characteristics, or status as to which discrimination is prohibited under the Constitution or any law of the United States, the constitution or any law of the State of New Jersey, or the policies of the Township, or because of their association with such individual(s), or (2) disparate impact on any such individual(s) having traits, characteristics, or status as described in subsection (1).
- (B) “Disparate impact” shall mean an adverse effect that is disproportionately experienced by individual(s) having any traits, characteristics, or status as to which discrimination is prohibited under the Constitution or any law of the United States, the constitution or any law of the State of New Jersey, or the policies of the Township, than by similarly situated individual(s) not having such traits, characteristics, or status.
- (C) “Municipal entity” shall mean any agency, department, bureau, division, or unit of the Township.
- (D) “Surveillance data” shall mean any electronic data collected, captured, recorded, retained, processed, intercepted, analyzed, or shared by surveillance technology.
- (E) “Surveillance technology” shall mean any electronic surveillance device, hardware, or software that is capable of collecting, capturing, recording, retaining, processing, intercepting, analyzing, monitoring, or sharing audio, visual or digital, location, thermal, biometric, behavioral, or similar information or communications specifically associated with, or capable of being associated with, any specific individual or group; or any system, device, or vehicle that is equipped with an electronic surveillance device, hardware, or software.
- (1) “Surveillance technology” does not include the following devices or hardware, unless they have been equipped with, or are modified to become or include, a surveillance technology as defined in Section 12(E): (a) routine office hardware, such as televisions, computers, and printers, that is in widespread public use and will not be used for any surveillance or surveillance-related functions; (b) Parking Ticket Devices (PTDs); (c) manually-operated, non-wearable, handheld digital cameras, audio recorders, and video recorders that are not designed to be used surreptitiously and whose functionality is limited to manually capturing and manually downloading video and/or audio recordings; (d) surveillance devices that cannot record or transmit audio or video or be remotely accessed, such as image stabilizing binoculars or night vision goggles; (e) municipal agency databases that do not and will not contain any data or other information collected,

captured, recorded, retained, processed, intercepted, or analyzed by surveillance technology; and (f) manually-operated technological devices that are used primarily for internal municipal entity communications and are not designed to surreptitiously collect surveillance data, such as radios and email systems.

(F) “Viewpoint-based” shall mean targeted at any community or group or its members because of their exercise of rights protected under the First Amendment of the United States Constitution.

## **Section 2. Ban on Facial Recognition Surveillance Technologies**

Notwithstanding the provisions of this Ordinance, it shall be unlawful for any municipal entity to obtain, retain, access or use facial recognition surveillance technologies. A municipal entity’s inadvertent receipt, retention, access to, or use of information obtained from facial recognition surveillance technologies shall not be a violation of this Section.

## **Section 3. Grandfathering of Preexisting Uses**

The requirements of this Ordinance shall not apply to surveillance technologies presently in use by the Township except insofar as a surveillance technology will be utilized in a manner not previously in use. To the extent they have not been excluded elsewhere in this Ordinance, the following technologies are exempted from compliance with the Ordinance: License Plate Readers (“LPRs”), night vision, Unitel body microphones, all presently operable video and audio equipment including closed circuit television systems, sewer scopes and related recording equipment, biometric fingerprint readers, and infrared thermal imaging devices. As a result an SIUR is required for these enumerated technologies.

## **Section 4. Certain Public-Private Contracts Prohibited**

It shall be unlawful for the Township or any municipal entity to enter into any contract or other agreement that facilitates the receipt of privately generated and owned surveillance data from, or provision of government generated and owned surveillance data to any non-governmental entity in exchange for any monetary or any other form of consideration from any source, including the assessment of any additional fees, interest, or surcharges on unpaid fines or debts. Any contracts or agreements signed prior to the enactment of this Ordinance that violate this section shall be terminated as soon as is legally permissible.

## **Section 5. Prior Inconsistent Ordinances Superseded**

Upon the effective date of this ordinance, all other ordinances or resolutions or parts of ordinances or resolutions contrary to or inconsistent with this ordinance are hereby superseded.

## **Section 6. Invalidity**

If any section or provision of this Ordinance be adjudged invalid or unconstitutional, preempted

by Federal or State law, or otherwise invalid by any court of competent jurisdiction, the same shall not affect the validity of the ordinance as a whole or any other section or provision hereof.

**Section 7. Effective Date**

This Ordinance shall take effect 20 days after passage and publication, as provided by law.

ATTEST:

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Doug Ruccione  
Township Clerk

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Dr. James Dunleavy,  
Mayor