KYLE SMITH FAYETTEVILLE CITY COUNCIL WARD 4

Regulating Disruptive Technologies

Proactive rules to protect your privacy and your neighborhood from changing technologies

Fayetteville's City Council voted unanimously to ban public funding for automatic license plate readers. That vote was a necessary first step. But vendors are shifting from selling hardware to selling data as a service, so equipment bans alone won't keep pace.

This proposal sets clear rules for how the city acquires and retains data, how it discloses its use of AI, and how zoning handles new logistics and tech infrastructure. The goal is to protect civic privacy and neighborhood vitality, regardless of which technology comes next.

Policy 1: Close the Data Broker & Proxy Loophole

Warrant-Equivalent Standard: If police would need a warrant to physically track a vehicle or monitor a resident, the City cannot get around that requirement by purchasing the same digital history.

- **No 3rd Party Surveillance:** The city may not buy location data, biometric profiles, or individual behavioral histories from third-party data brokers.
- **No Standing Remote Access:** City contracts may not give staff or police ongoing remote access to live or recorded video from privately owned cameras.
- **Preserve Traditional Police Work:** Officers can still canvass neighborhoods, make individual "digital door-knock" requests, and accept video that residents voluntarily share.
- **Incident-Specific Requests:** Police may use online portals to request private video only when the request is tied to a specific incident number. Bulk or neighborhood-wide dragnet requests should be prohibited.

Policy 2: Algorithmic Transparency & AI Disclosure

The public should know when AI algorithms influence city decisions and resource allocation.

- **Targeted Scope:** Applies to Automated Decision Systems that significantly shape human judgment in areas like hiring, policing, or resource allocation, and to generative AI used for public communications or code. Standard office software is exempt.
- **Procurement Notice:** When the city contracts for or deploys a covered system, the administration sends Council a memo describing the tool, its vendor, and its purpose.
- **Public Registry:** The should maintain a current inventory of these systems on its website.
- **Decision-Impact Statements:**The published inventory must explicitly list the types of decisions each tool makes or informs (e.g., "automated resume scoring" or "patrol routing").
- **Semiannual Review:** The administration should present a formal update on the municipal AI inventory to the City Council twice per year, during a meeting allowing for public comment.

Policy 3: Data Minimization & Retention Standards

City sensor data should support investigations of specific incidents, not build a permanent record of public movement.

- **72-Hour Default Purge:** Data from passive city sensors (traffic feeds, acoustic sensors, public Wi-Fi logs) must be automatically and permanently deleted within 72 hours, unless intentionally preserved for an active criminal investigation or pending litigation.
- **Metadata Included:** The mandatory deletion requirement should apply equally to raw media (audio, video, photos) and all associated metadata, regardless of whether it has been anonymized, pseudonymized, or de-identified.
- **Edge AI Summaries Included:** Text summaries, event tags, and behavioral classifications generated by on-device models should be deleted as if it were sensor data.
- **No Model Training:** City sensor data may not be retained, exported, or licensed to vendors to train commercial AI models.

Policy 4: Zoning Rules for Disruptive Technologies

E-commerce hubs and large tech facilities can place heavy demands on roads, water, and neighbors. Zoning should address them through objective standards that apply equally to all users, consistent with state law (Arkansas Act 851).

- **Data Center Noise & Water:** Set continuous noise limits, measured at the property line, for 24/7 cooling equipment. To protect the municipal water supply, require closed-loop cooling or tiered water surcharges for the largest facilities - including water customers outside the city.
- **Battery Storage Fire Safety:** Lithium-ion battery energy storage systems can overheat into fires that are difficult to extinguish. Update fire and zoning codes to require chemical fire suppression and minimum setbacks from residential zones.
- **Updated Definitions:** Define micro-fulfillment centers, dark stores (retail spaces closed to shoppers that only fill online orders), and last-mile delivery stations in the city code.
- **Require Active Storefronts:** Classify standalone dark stores as heavy commercial or industrial uses. In walkable mixed-use districts, a minimum share of the street-facing ground floor must remain open to the public as retail or a pickup area, with transparent windows.
- **Traffic & Idling Limits:** Conditional use applications for delivery hubs must include traffic studies calibrated for frequent courier trips and set strict anti-idling rules for loading zones.