

**BONUS SECTION C:  
JERSEY CITY, NJ PROPOSAL**

City Clerk File No. Ord. 92-201  
Agenda No. 3.1 1st Reading  
Agenda No. 4.5 2nd Reading & Final Passage



**ORDINANCE  
OF  
JERSEY CITY, N.J.**

COUNCIL AS A WHOLE  
offered and moved adoption of the following ordinance:

CITY ORDINANCE 92-201

TITLE:

**AN ORDINANCE REQUIRING ADDED SECURITY MEASURES  
AT AUTOMATED TELLER MACHINE (ATM) FACILITIES  
LOCATED WITHIN THE CITY OF JERSEY CITY**

**THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY DOES ORDAIN:**

**WHEREAS**, the Municipal Council finds that a number of criminal acts are associated with ATMs and that the actual number of such acts is believed to be much higher; and

**WHEREAS**, the Municipal Council finds that security measures currently used at the majority of ATM locations are inadequate to protect the public safety. At present, there is no uniform set of standards for security at ATM facilities. Virtually any card having a magnetic stripe will allow entry into an ATM location. The safety of ATM facilities thus frequently differs from location to location and the users of such facilities are often vulnerable to robberies and muggings; and

**WHEREAS**, the Council concludes that it is necessary and appropriate for the protection and safety of the public to encourage banks and other institutions providing ATM services to install certain minimum security measures at each ATM facility. It is the Council's belief that the requirements, including adequate lighting, surveillance cameras, transparent windows, reflective mirrors and surfaces, and consumer safety warnings, will significantly enhance the safety and well-being of Jersey City residents, work force and visitors; and

**WHEREAS**, the Council recognizes the need for further technological developments to create a system by which access to ATM machines is limited, to the greatest extent possible, to holders of valid access cards issued by banks and other official institutions. In order to facilitate the development of such technology, the council calls for the formation of a task force of bank representatives and other appointees of the Mayor and Speaker of the Council to join in a cooperative effort to examine the technological feasibility of the limited access door requirement, and report to the Mayor and Council no later than one year after its formation. If within six (6) months after the submission of this report, an ATM facility is unable to comply with the limited access door requirement, at least one security guard shall be stationed within the ATM facility during those times after regular banking hours, when the ATM facility is available to customers.

A. The following supplement to Chapter 8 (Business) of the Jersey City code is adopted:

**ARTICLE 24 AUTOMATED TELLER MACHINE (ATM)**

Sec. 8-259. The use of automated teller machines (ATMs) to conduct banking transactions has become a fact of daily life for many Jersey residents, commuters and visitors.

(a) **Definitions:**

(1) "Access Code" means a series of numbers or letters, unique to each banking customer, which when entered into an automated teller machine, grant the customer entry to the customer's account records.

(2) "Automated Teller Machine" means a device, linked to a financial institution's account records, which is able to carry out transactions, including, but not limited to: account transfers, deposits, cash withdrawals, balance inquiries, and mortgage and loan payments.

(3) "Automated Teller Machine Facility" means the area comprise of one or more automated teller machines, and any adjacent space which is made available to banking customers after regular banking hours.

(4) "Automated Teller Machine Card" means an instrument authorized by a bank which permits a customer to gain access to an automated teller machine facility.

(5) "Bank" means any banking corporation, as defined in N.J.S.A. 12A:4-104, 12A:4-105, which operates, owns, or controls an automated teller machine facility in the City of Jersey City.

(6) "Adequate Lighting" with respect to an open and operating automated teller machine facility located on an exterior wall of a building open to the outdoor air, and any defined parking area, means lighting during nighttime hours according to the following standards:

(a) a minimum of ten candle foot power at the face of the automated teller machine and extending in an unobstructed direction outward five feet; and

(b) a minimum of two candle foot power within fifty feet from all unobstructed directions from the face of the automated teller machine. If such machine is located within ten feet of the corner of the building and the automated teller machine facility is generally accessible from the adjacent side, there shall be a minimum of two candle foot power along the first forty unobstructed feet of the adjacent side of the building.

(7) "Defined parking area" means that portion of any parking area open for bank customer parking which is (i) contiguous to any paved walkway or sidewalk within fifty (50) feet of an automated teller machine facility; (ii) regularly, principally and lawfully used for parking by users of the automated teller machine facility while conducting transactions at such automated teller machine facility during nighttime hours; and (iii) owned or leased by the operator of the automated teller machine facility, or otherwise controlled by the party leasing the automated teller machine facility site to the operator. The term does not include any parking area which is not open or regularly used for parking by the users of the automated teller machine who are conducting automated teller machine transactions during nighttime hours. A parking area is not open if it is physically closed to access or if conspicuous signs indicate that it is closed.

(8) "Nighttime hours" means the period of time beginning at sunset and ending at sunrise.

(9) "Candlefoot power" means the light intensity of candles on a horizontal plane at thirty-six (36) inches above ground level and five feet in front of the area to be measured.

(10) "Regular banking hours" means the period of time during each weekday, Monday through Friday, commencing at nine o'clock a.m. (9:00) and ending at three o'clock p.m. (3:00).

(b) **Security measures.** A bank shall maintain the following security measures with respect to each of its automated teller machine facilities:

(1) A surveillance camera or cameras, which shall view and record all persons entering, exiting and moving within or about an automated teller machine facility located within the interior of a building, or which shall view and record all activity occurring within a minimum of three (3) feet in front of an automated teller machine located on an exterior wall of a building open to the outdoor air. Such camera or cameras need not view and record banking transactions made at the automated teller machine. The recordings made by such cameras shall be preserved by the bank for at least thirty days;

(2) Within six (6) months after the submission of the report of the temporary task force required by subdivision c of this section, entry doors equipped with locking devices which permit entry to such facility only to persons using an automated teller machine card or access code issued by a bank for that purpose. Provided, however, that any automated teller machine facility located within the interior of a building that is not equipped with such entry door

locking devices within six (6) months after the submission of such report shall thereafter have at least one (1) security guard stationed therein during the period of time after regular banking hours when such automated teller machine facility is available to banking customers;

(3) Entry doors equipped with fire exit bolts;

(4) Adequate lighting;

(5) At least one (1) exterior wall made substantially of untinted glass or other untinted, transparent material, which provides an unobstructed view of the automated teller machine or machines within the automated teller machine facility;

(6) Reflective mirrors or surfaces at each automated teller machine which provide the user a rear view;

(7) A reflective mirror or mirrors placed in a manner which permits a person present in the automated teller machine facility to view areas within such facility which are otherwise concealed from plain view; and

(8) A clearly visible sign, which at a minimum

states:

(i) The activity within the automated teller machine facility is being recorded by surveillance camera;

(ii) Customers should close the entry door completely upon entering if the automated teller machine facility is located within the interior of a building;

(iii) Customers should not permit entrance to any unknown person at anytime after regular banking hours when an automated teller machine facility located within the interior of a building is available to banking customers;

(iv) Customers should place withdrawn cash securely upon their person before exiting the automated teller machine facility; and

(v) Complaints concerning security in the automated teller machine facility should be directed to the bank's security department or to the Department of Consumer Affairs, together with telephone numbers for such complaints. Where emergency assistance is needed due to criminal activity or medical emergency, call 911 at the nearest available public telephone.

Paragraphs two, three, five and seven of this subdivision shall not apply to any automated teller machine facility located on an exterior wall of a building open to the outdoor air.

Paragraph five of this subdivision shall not apply to any automated teller machine facility in (i) a landmark building or within a historic district, if compliance with paragraph five would require the approval of the Landmarks Preservation Commission, and such approval has been sought and denied; or (ii) any building, if compliance with paragraph five would require the removal of a or reconstruction of walls in such building.

(c) Temporary task force. There is hereby established a temporary task force to advise the mayor and the council as to the technological feasibility of the limited access entry door requirements of paragraph two of subdivision (b) of this section. Such task force shall be comprised of fifteen (15) members, two of whom shall be representatives of federally chartered banks, two of whom shall be representatives of state-chartered banks and two of whom shall be representatives of savings and loan associations. The mayor and president of the city council shall each appoint seven members; the chair of the temporary task force shall be jointly appointed by the mayor and council president, no later than twelve (12) months after the appointment of the last member of the temporary task force, the task force shall submit a report containing its conclusions to the mayor and the city council.

(d) List of facilities. Any bank which operates an automated teller machine facility shall file a list of such facilities with the Police Department, the Department of Consumer Affairs, and the Department of Buildings, including the street addresses, intersecting streets, hours of operation, method of security and method of surveillance at each facility, and the telephone number of the bank's security department. The Police Department shall distribute a list of all automated teller machine facilities which are available to banking customers.

