

**AN ORDINANCE REGULATING
BUSINESS VIDEO CAMERAS IN THE
CITY OF MOUNT VERNON, NEW YORK**

WHEREAS, the City of Mount Vernon recognizes the need to regulate certain business establishments within its jurisdiction to require video camera systems for the public health, safety, and welfare; and

The City of Mount Vernon, in City Council convened, does hereby ordain, and enact:

Section 1. Title. This ordinance shall be known and may be cited as the “City of Mount Vernon Business Video Camera Ordinance.”

Section 2. Video camera systems required. The following business establishments shall install and maintain a video camera system (referred to as “system”): businesses that are licensed to sell alcohol by the State of New York to the public for consumption, either on or off premises; smoke shops and/or tobacco retailers; cannabis retail dispensaries and/or consumption sites; businesses whose premises are regularly open to the public for any amount of time between the hours of 12:00 midnight and 4:00 a.m.; check-cashing businesses; licensed secondhand dealers that buy and sell precious metals; pharmacies that are licensed by the State of New York; motor vehicle body repair shops; motor vehicle service and repair facilities; and pawn shops that are licensed by the City of Mount Vernon (collectively referred to in this chapter as “businesses”). The system shall conform with the following requirements:

- A. The video cameras shall be installed at or near each and every entrance or exit regularly used by customers or employees. The cameras shall be positioned so as to view and record a full frame of the individual’s face as he/she is entering and/or exiting the business establishment, and to the extent practicable, activity within 15 feet of the area around each entrance or exit.
- B. The video cameras shall be sufficiently light sensitive and provide sufficient image resolution (supported by additional lighting if necessary) to produce easily discernible and accurate facial images recorded at all times.
- C. The video camera shall record at a minimum speed of eight frames per second.
- D. The video cameras’ images shall be capable of being viewed through use of appropriate technology, including, but not limited to, a computer screen or closed-circuit television monitor.
- E. The video recorder shall be digital in nature and be capable of transferring the recorded images to a portable, digital form of media.
- F. The video cameras are not required to have audio capability.
- G. The video cameras shall be maintained in good working condition.
- H. The video cameras shall be in operation and recording during all hours of operation of the business and for two hours after the business closes.
- I. The recordings made by video cameras installed and maintained pursuant to this section shall be indexed by dates and times.

Section 3. Operating procedures. The businesses subject to the provisions of this chapter must comply with the following requirements in relation to the preservation of the recordings, storage of the system, availability of recordings, dissemination of recordings, inspection of systems and certification of compliance:

- A. The recordings made by video cameras installed and maintained pursuant to this chapter must be preserved for a minimum of 30 days.

- B. The recordings made by video cameras installed and maintained pursuant to this chapter must be made available to the City of Mount Vernon Police Department for purposes of an official investigation or when approved by the Police Commissioner or his/her designee.
- C. The recordings must be turned over to the City of Mount Vernon Police Department upon its demand while the business is open and/or as soon as possible if the business is closed.
- D. All recordings made by video cameras installed and maintained pursuant to this chapter while in possession of the business shall be stored in a locked receptacle, preferably located in a controlled access area, to which only authorized personnel may have access, or shall otherwise be secured so that only authorized personnel may access such video recordings.
- E. The business shall keep a log of all instances of requests for, access to, dissemination and use of recorded materials made by video cameras installed and maintained pursuant to this chapter. Copies of the access log shall be provided to the City of Mount Vernon Police Department upon demand.
- F. The system must be available to the City of Mount Vernon Building Department and Police Department for inspection at all times, during such time that the business is open to the public, to ensure compliance with the requirements set forth in this chapter.
- G. Each business subject to the provisions of this chapter shall submit a certification report to the Police Department, on a form prescribed by said department, by January 31 of each year. The report shall certify that the business has complied with this chapter.

Section 4. Installation of video cameras. The businesses subject to the provisions of this chapter must comply with the New York State Uniform Fire Prevention and Building Code and the rules and regulations promulgated thereunder and the Code of the City of Mount Vernon when installing and maintaining the system. All necessary permits must be applied for and obtained from the Mount Vernon Building Department, including, but not limited to, an equipment permit and an electrical permit. Drawings and specifications shall be submitted to the Mount Vernon Building Department showing the proposed location of the system and the technical details of the system.

Section 5. Time for compliance. Extension of time for compliance. The businesses subject to the provisions of this chapter shall complete the installation of the required system by no later than March 1, 2025. In the event the business demonstrates a good reason why it cannot meet this date set for obtaining and installing a system, the Building Department, or his/her designee, may for such good reason stated grant one extension of time to comply with this chapter, such time not to exceed six months.

Section 6. Enforcement.

- A. Notice of violation. When the Building Department or Police Department finds that a person has violated or failed to meet a requirement of this chapter, it may order compliance by written notice of violation to the responsible person.
- B. Penalties. Any person violating any of the provisions of this chapter shall be deemed guilty of a violation and, upon conviction thereof, shall be fined in an amount not exceeding \$1,000 or be imprisoned for a period not exceeding 15 days, or by both such fine and imprisonment. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.

Section 7. Severability. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

Section 8. Effective Date. This ordinance shall take effect upon review and acceptance from the City Council.