

**LOCAL LAW NO. \_\_ OF 2026**

**A LOCAL LAW AMENDING THE VEHICLE AND  
TRAFFIC LAW AUTHORIZING THE CITY OF MOUNT VERNON TO  
ESTABLISH A TRAFFIC-CONTROL SIGNAL PHOTO MONITORING  
DEMONSTRATION PROGRAM**

**BE IT ENACTED** by the City Council of the City of Mount Vernon, in regular session convened, as follows:

**Section 1. Title.** This Local Law shall be known and may be cited as “A Local Law to Amend the Vehicle and Traffic Law in Relation to Authorizing the City of Mount Vernon to Establish a Traffic-Control Signal Photo Monitoring Demonstration Program.”

**Section 2. Legislative Findings and Purpose.**

**WHEREAS** the City Council of the City of Mount Vernon hereby finds that the violation of traffic-control signals poses a significant threat to the health, safety, and welfare of children, pedestrians, and the general public. The Council further finds that traffic-control signal photo monitoring systems have been shown to be an effective tool in deterring violations of traffic control signals and improving traffic safety.

**WHEREAS**, the purpose of this Local Law is to authorize the City of Mount Vernon, subject to applicable provisions of state law, to establish and operate a Traffic-Control Signal Photo Monitoring Demonstration Program in order to enhance traffic safety, deter violations of traffic-control signals, and protect vulnerable roadway users.

**Section 3. Authority.** This Local Law is adopted pursuant to the authority granted to municipalities under the New York State Constitution, the Municipal Home Rule Law, and, to the extent applicable, the Vehicle and Traffic Law, including any special legislation authorizing demonstration programs for traffic-control signal photo monitoring systems.

**NOW, THEREFORE, BE IT ENACTED** by the City Council of the City of Mount Vernon as follows:

Section 1. The vehicle and traffic law is amended by adding a new section 256-7.1 to read as follows:

§256-7.1. Owner liability for failure of operator to comply with traffic-control indications; Mt. Vernon.

A. Notwithstanding any other provision of law, the Department of Public Safety is hereby authorized and empowered to establish a demonstration program imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with traffic-control indications in accordance with the provisions of this section. The third-party contractor for purposes of implementation of such program, shall be authorized to install and operate traffic-control signal photo violation-monitoring devices at no more than 25 intersections at any one time.

B. Such demonstration program shall utilize necessary technologies to ensure, to the extent practicable, that photographs produced by such traffic-control signal photo violation-monitoring systems shall not include images that identify the driver, the passengers, or the contents of the vehicle; provided, however, that no notice of liability

issued pursuant to this section shall be dismissed solely because a photograph or photographs allow for the identification of the contents of a vehicle, provided that the City of Mount Vernon has made a reasonable effort to comply with the provisions of this subsection.

C. The owner of a vehicle shall be liable for a penalty imposed pursuant to this section if such vehicle was used or operated with the permission of the owner, express or implied, in violation of Subdivision (d) of § 1111 of the New York State Vehicle and Traffic Law, (hereinafter Vehicle and Traffic Law) and such violation is evidenced by information obtained from a traffic-control signal photo violation-monitoring system; provided, however, that no owner of a vehicle shall be liable for a penalty imposed pursuant to this section where the operator of such vehicle has been convicted of the underlying violation of Subdivision (d) of § 1111 of the Vehicle and Traffic Law.

D. Notwithstanding any other provision of this section, no owner of a vehicle shall be subject to a monetary fine imposed pursuant to this section if the operator of such vehicle was operating such vehicle without the consent of the owner at the time such operator failed to obey a traffic-control indication. For purposes of this subsection, there shall be a presumption that the operator of such vehicle was operating such vehicle with the consent of the owner at the time such operator failed to obey a traffic-control indication.

E. For purposes of this section, "owner" shall mean any person, corporation, partnership, firm, agency, association, lessor, or organization who at the time of the issuance of a notice of violation in which a vehicle is operated:

- 1) Is the beneficial or equitable owner of such vehicle; or
- 2) Has title to such vehicle; or
- 3) Is the registrant or co-registrant of such vehicle which is registered with the Department of Motor Vehicles of the State of New York or any other state, territory, district, province, nation or other jurisdiction; or
- 4) Uses such vehicle in its vehicle-renting and/or -leasing business; or
- 5) Is an owner of such vehicle as defined by § 128 or Subdivision (a) of § 2101 of the Vehicle and Traffic Law.

F. For purposes of this section, "traffic-control signal photo violation-monitoring system" shall mean a device installed to work in conjunction with a traffic-control signal which, during operation, automatically produces two or more photographs, two or more microphotographs, a videotape or other recorded images of each vehicle at

the time it is used or operated in violation of Subdivision (d) of § 1111 of the Vehicle and Traffic Law.

G. A certificate, sworn to or affirmed by a technician employed by the Traffic Engineer, or a facsimile thereof, based upon inspection of photographs, microphotographs, videotape or other recorded images produced by a traffic-control signal photo violation-monitoring system, shall be *prima facie* evidence of the facts contained therein. Any photographs, microphotographs, videotape or other recorded images evidencing such a violation shall be available for inspection in any proceeding to adjudicate the liability for such violation imposed pursuant to this section.

H. An owner liable for a violation of Subdivision (d) of § 1111 of the Vehicle and Traffic Law pursuant to this section shall be liable for monetary penalties in accordance with a schedule of fines and penalties to be promulgated by the Traffic Violations Bureau. The liability of the owner pursuant to this section shall not exceed \$50 for each violation; provided, however, that such Office may provide for an additional penalty not in excess of \$25 for each violation for the failure to respond to a notice of liability within the prescribed time period. Such Office shall adjudicate liability imposed by this section.

I. An imposition of liability under this section shall not be deemed a conviction as an operator and shall not be made part of the operating record of the person upon whom such liability is imposed, nor shall it be used for insurance purposes in the provision of motor vehicle insurance coverage.

J. A notice of liability shall be sent by first class mail to each person alleged to be liable as an owner for a violation of Subdivision (d) of § 1111 of the Vehicle and Traffic Law pursuant to this section. Personal service on the owner shall not be required. A manual or automatic record of mailing prepared in the ordinary course of business shall be *prima facie* evidence of the facts contained therein.

K. A notice of liability shall contain the name and address of the person alleged to be liable as an owner for a violation of Subdivision (d) of § 1111 of the Vehicle and Traffic Law pursuant to this section, the registration number of the vehicle involved in such violation, the location where such violation took place, the date and time of such violation and the identification number of the camera which recorded the violation or other document locator number.

L. The notice of liability shall contain information advising the person charged of the manner and the time in which he or she may contest the liability alleged in the notice. Such notice of liability shall also contain a warning to advise the persons charged that failure to contest in the manner and time provided shall be deemed an admission of liability and that a default judgment may be entered thereon.

M. The notice of liability shall be prepared and mailed by the Traffic Violations Bureau.

N. If an owner receives a notice of liability pursuant to this section for any time period during which the vehicle was reported to the Police Department as having been stolen, it shall be a valid defense to an allegation of liability for a violation of Subdivision (d) of § 1111 of the Vehicle and Traffic Law pursuant to this section that the vehicle had been reported to the police as stolen prior to the time the violation occurred and had not been recovered by such time. For purposes of asserting the defense provided by this subsection, it shall be sufficient that a certified copy of the police report on the stolen vehicle be sent by first class mail, return receipt requested, to such Office.

O. If the owner liable for a violation of Subdivision (d) of § 1111 of the Vehicle and Traffic Law pursuant to this section was not the operator of the vehicle at the time of the violation, the owner may maintain an action for indemnification against the operator.

P. An appeal of an adjudication of liability pursuant to this section may be taken in accordance with this article.

Q. An owner who is a lessor of a vehicle to which a notice of liability was issued pursuant to Subdivision H of this section shall not be liable for the violation of Subdivision (d) of § 1111 of the Vehicle and Traffic Law, provided that:

1) Prior to the violation, the lessor has filed with the Office and paid the required filing fee in accordance with the provisions of § 239 of the Vehicle and Traffic Law; and

2) Within 37 days after receiving notice from the Office of the date and time of a liability, together with the other information contained in the original notice of liability, the lessor submits to the Office the correct name and address of the lessee of the vehicle identified in the notice of liability at the time of such violation, together with such other additional information contained in the rental lease or other contract document, as may be reasonably required by the Office pursuant to regulations that may be promulgated for such purpose.

3) Failure to comply with Subsection Q(1) or (2) of this section shall render the owner liable for the penalty prescribed in this section.

4) Where the lessor complies with the provisions of this subsection, the lessee of such vehicle on the date of such violation shall be deemed to be the owner

of such vehicle for purposes of this section, shall be subject to liability for such violation pursuant to this section and shall be sent a notice of liability pursuant to Subsection **H** of this section.

R. Nothing in this section shall be construed to limit the liability of an operator of a vehicle for any violation of Subdivision (d) of § **1111** of the Vehicle and Traffic Law.

S. It shall be a defense to any prosecution for a violation of Subdivision (d) of § **1111** of the Vehicle and Traffic Law pursuant to this section that such traffic-control indications were malfunctioning at the time of the alleged violation.

T. Advance warning signs.

1) Advance warning signs notifying motorists that traffic control signal violation-monitoring devices are being utilized within the City of Mount Vernon must be identified by appropriate advance warning signs conspicuously posted at portals to the City in a manner approved by the City of Mount Vernon Traffic Engineering Department.

2) Pursuant to the New York State **Vehicle and Traffic Law**, the City of Mount Vernon Department of Public Safety shall utilize sign R10-18 contained in the Federal Highway Administration's Manual of Uniform Traffic Control Devices (MUTCD) as the advance warning sign for placement in the City of Mount Vernon.

3) Pursuant to the MUTCD, the advance warning sign, MUTCD sign R10-18, shall measure approximately 36 inches by 24 inches and shall read "Traffic Laws Photo Enforced" and appear as follows:



4) The advance warning signs shall be in place as soon as practicable at no less than the following locations selected by the City of Mount Vernon Traffic Engineering Department:

- a) The north border with the Town of Eastchester and the Village of Bronxville.
- b) The east border with the Village of Pelham and the Village of Pelham Manor.
- c) The west border with the City of Yonkers.
- d) The south border with the City of New York.

**Section 4. Effective Date.** This act shall take effect immediately.