

TOWN OF ROTTERDAM

Diane M. Marco
Town Clerk



John F. Kirvin Government Center • 1100 Sunrise Boulevard • Rotterdam, NY 12306
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July 17, 2024

New York State Department of State
Bureau of State Records and Law
One Commerce Plaza
99 Washington Avenue
Albany, NY 12231-0001

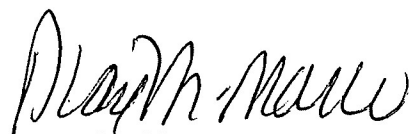
RE: Filing of Town of Rotterdam Local Law 12-2024 To Enact School Bus Stop-Arm
Camera Program

To Whom It May Concern:

Enclosed are forms required to file Local Law 12-2024, adopted by the Town Board of
the Town of Rotterdam meeting held on July 10, 2024.

If you are in need of anything else please feel free to call my office.

Sincerely,



Diane M. Marco
Town Clerk

Enclosure

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the John F. Kirvin Government Center, 1100 Sunrise Boulevard, Rotterdam, New York 12306 on Wednesday, July 10, 2024, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 281.24

TO ENACT INTRODUCTORY LOCAL LAW NO. 12 OF 2024 ENTITLED SCHOOL BUS STOP-ARM CAMERA PROGRAM

WHEREAS, an introductory local law entitled, "School Bus Stop-Arm Camera Program" was introduced to the Town Board of the Town of Rotterdam, and upon duly published and posted, a public hearing was held on July 10, 2024, at 7:00pm, before the Town Board; and

WHEREAS, public discussion was heard at such hearing concerning the merits and significance of said introductory local law; NOW

THEREFORE, UPON MOTION OF Councilmember **SCHLAG**, seconded by Councilmember **DODSON**,

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. The Town Board of the Town of Rotterdam does hereby adopt said introductory Local Law No. 12 of 2024, a copy of which is attached hereto and made part of this resolution.

SECTION 2. The Town Clerk is hereby directed to enter said local law in the minutes of this meeting and in the Code of the Town of Rotterdam, and to give due notice of the adoption of said Local Law to the Secretary of State of New York.

SECTION 3. This resolution shall become effective July 10, 2024.

DATED: July 10, 2024

NAME	AYES	NOES	ABSTAIN
Dodson	X		
Mastroianni	X		
Gallucci	X		
Schlag	X		
Collins	X		

I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York, **DO HEREBY CERTIFY** that the foregoing resolution was approved by the Town Board Meeting of the Town of Rotterdam on July 10, 2024, and that the foregoing resolution is a true and correct transcript of the original resolution and of the whole thereof and that said resolution is on file in the Town Clerk's office.

I DO FURTHER CERTIFY that each of the members of the Town Board had due notice of the said Town Board meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Rotterdam this July 12, 2024.

Diane M. Marco
Diane M. Marco, Town Clerk



Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County City Town Village
(Select one.)

of Rotterdam _____

Local Law No. 12 of the year 2024

A local law School Bus Stop-Arm Camera Program
(Insert Title)

Be it enacted by the Town Board of the _____
(Name of Legislative Body)

County City Town Village
(Select one.)

of Rotterdam _____ as follows:

See attached:

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 12 of 2024 of the ~~(County)~~(City)(Town)(Village) of Rotterdam was duly passed by the Town Board of the Town of Rotterdam on July 10 2024, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ and was deemed duly adopted *(Elective Chief Executive Officer*)* on _____ 20____, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20____. *(Elective Chief Executive Officer*)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20____. Such local *(Elective Chief Executive Officer*)* law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

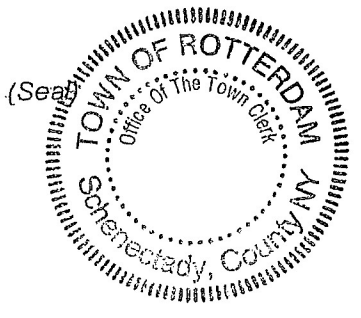
5. (City local law concerning Charter revision proposed by petition.)
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)
I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____ above.

William M. Nance
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: 7/12/2014



Introductory Local Law 12 of 2024

The current Chapter 266 of the Town Code of the Town of Rotterdam shall become Chapter 266A and a Chapter 266B entitled "School Bus Stop-Arm Camera Program" shall be added as follows:

Section 1. Chapter 266B, Section 266B-1 of the Town Code of the Town of Rotterdam entitled "Purpose" shall be added as follows:

The purpose of this article is to impose monetary liability on the owner of a motor vehicle under circumstances where the operator of the motor vehicle fails to stop for a school bus displaying a red visual signal and stop-arm. It is a well-known fact that vehicle operators often fail to stop for a school bus displaying a red visual signal and stop-arm, thus creating a hazardous and dangerous condition for passengers, especially children, who depart from a stopped school bus. The intent of this article involves the installation of cameras on the school bus stop-arm to increase safety for passengers departing the school bus by imposing financial liability on the owner of the vehicle which will serve as a deterrent.

Section 2. Chapter 266B, Section 266B-2 of the Town Code of the Town of Rotterdam entitled "Definitions" shall be added as follows:

TOWN

The Town of Rotterdam, New York.

OWNER

The registered owner of a motor vehicle.

PERSON

One or more individuals, a partnership, company, association, corporation, trust, trustee or receiver or limited liability company.

SCHOOL DISTRICT

The School District of the Town of Rotterdam, New York.

Section 3. Chapter 266B, Section 266B-3 of the Town Code of the Town of Rotterdam entitled "Demonstration program imposing monetary liability" shall be added as follows:

- A. Pursuant to §1174-a of the New York State Vehicle and Traffic Law, the Town hereby establishes a demonstration program imposing monetary liability on the owner of a motor vehicle for the failure of an operator thereof to comply with §1174 of the New York State Vehicle and Traffic Law when meeting a school bus marked and equipped as provided in

Subdivisions 20 and 21-(1)-(c) of Section 375 of the New York State Vehicle and Traffic Law and operated in the Town. This demonstration program empowers the Town to install and operate, or to cause to be installed and operated, school bus photo violation monitoring systems which may be stationary or mobile.

- B. Such school bus photo violation monitoring systems may be installed on school buses owned and operated by the school district, or on the school buses privately owned and operated for compensation under contract with the school district, provided that no such stationary school bus photo violation monitoring system shall be installed and operated, or caused to be installed and operated, by the Town, except on roadways under the jurisdiction of the Town, and further provided that no such mobile school bus photo violation monitoring system shall be installed or operated on school buses unless the Town and the school district enter into an agreement for such installation and operation.

Section 4. Chapter 266B, Section 266B-4 of the Town Code of the Town of Rotterdam entitled “Handling and custody of photographs” shall be added as follows:

As part of the demonstration program, the Town will create procedures for the proper handling and custody of photographs, micro photographs, videotapes and other recorded images and data produced by such mobile school bus photo violation monitoring systems in place on school buses and for the forwarding of such photographs, micro photographs, videotapes and other recorded images and data to the Town. Any such agreement entered into between the Town and the school district must be approved by a majority vote of the Town Board of the Town of Rotterdam and also by resolution of the board of the school district.

Section 5. Chapter 266B, Section 266B-5 of the Town Code of the Town of Rotterdam entitled “Privacy Measures” shall be added as follows:

As part of the demonstration program, the Town shall adopt and enforce measures to protect the privacy of drivers, passengers, pedestrians and cyclists whose identity and identifying information may be captured by a school bus photo violation monitoring device. Such measures shall include:

- A. Utilization of necessary technologies to ensure, to the extent practicable, that photographs produced by such school bus photo violation monitoring devices shall not include images that identify the driver, the passengers, the contents of the motor vehicle, pedestrians and cyclists; 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 motor vehicle, provided that the Town has made a reasonable effort to comply with the provisions contained herein.

B. A prohibition on the use or dissemination of motor vehicles' license plate information and other information and images captured by such school bus photo violation monitoring systems, except: 1) as required to establish liability under this chapter or collect payment of penalties; 2) as required by court order; or 3) as otherwise required by law and oversight procedures to ensure compliance with the afore described privacy protection measures.

C. The Town shall install signage in conformance with standards established in the Manual on Uniform Traffic Control Devices (MUTCD), maintained by the Commission of Transportation, at each roadway entrance of the Town boundaries giving notice that school bus photo violation monitoring systems are used to enforce restrictions on motor vehicles violating § 1174 of the New York State Vehicle and Traffic Law. For purposes of this chapter, the term "roadway" shall not include state expressway routes or state interstate routes but shall include controlled access highway exit ramps that enter the Town boundaries of the Town.

Section 6. Chapter 266B, Section 266B-6 of the Town Code of the Town of Rotterdam entitled "Vehicle Owner Liability" shall be added as follows:

The owner of a motor vehicle shall be liable for a monetary penalty imposed pursuant to this chapter if such vehicle was used or operated with the permission of the owner, expressed or implied, in violation of § 1174 of the New York State Vehicle and Traffic Law if such violation is evidenced by information obtained from a school bus photo violation monitoring system; provided, however, that no owner of a motor vehicle shall be liable for a monetary penalty imposed pursuant to this chapter where the operator of such motor vehicle has been convicted of the underlying violation of § 1174 of the Vehicle and Traffic Law.

Section 7. Chapter 266B, Section 266B-7 of the Town Code of the Town of Rotterdam entitled "Owner liability for monetary penalties" shall be added as follows:

A. An owner of a motor vehicle liable for a violation of Subsection (a) of § 1174 of the New York State Vehicle and Traffic Law shall be liable for monetary penalties as provided herein. The liability of the owner pursuant to this chapter shall be \$250 for a first violation; \$275 for a second violation; provided the first and second were committed within a period of 18 months, and \$300 for a third, or subsequent, violation, provided that all of which were committed within a period of 18 months. An additional penalty in the amount of \$25 for each violation shall be due and payable resulting from the failure of the owner to respond to a notice of liability within the prescribed time period.

B. An imposition of liability pursuant to this chapter 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.

Section 8. Chapter 266B, Section 266B-8 of the Town Code of the Town of Rotterdam entitled “Notice of liability” shall be added as follows:

A. 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 (a) of § 1174 of the New York State Vehicle and Traffic Law pursuant to this chapter. Personal delivery 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.

B. The notice of liability shall contain the name and address of the person alleged to be liable as an owner for a violation of Subdivision (a) of § 1174 of the New York State Vehicle and Traffic Law pursuant to this chapter, 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.

C. The notice of liability shall include information advising the person charged of the manner and the time in which he or she may contest the liability alleged in the notice of liability. 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.

D. The notice of liability shall be prepared and mailed by the Town or by such other entity authorized by the Town to prepare and mail such notice of liability and recover any such monetary penalty.

E. Adjudication of the liability imposed upon owners by this chapter shall be made by the Town Court of the Town of Rotterdam, New York.

Section 9. Chapter 266B, Section 266B-9 of the Town Code of the Town of Rotterdam entitled “Presumption of owner liability; defenses to notice of liability” shall be added as follows:

A. For purposes of this chapter, there shall be a presumption that the operator of such motor vehicle was operating such vehicle with the consent of the owner at the time such operator failed to comply with § 1174 of the New York State Vehicle and Traffic Law.

B. If an owner receives a notice of liability pursuant to this chapter for any time period during which the motor vehicle was reported to the police as having been stolen, it shall be a valid defense to the allegation of liability for a violation of Subdivision (a) of § 1174 of the New York State Vehicle and Traffic Law pursuant to this chapter that the motor vehicle had been reported to the police as stolen prior to the time the violation had occurred and had not been recovered by such time. For purposes of asserting a defense provided by this section, it shall be sufficient that

a certified copy of the police report on the stolen motor vehicle be sent by first-class mail to the Town Court of the Town of Rotterdam, New York.

C. An owner who is a lessor of a vehicle to which notice of liability was issued shall not be liable for the violation of Subdivision (a) of § 1174 of the New York State Vehicle and Traffic Law, provided he or she sends to the Town Court of the Town of Rotterdam, New York, a copy of the rental, lease or other such contract document covering such motor vehicle on the date of the violation with the name and address of the lessee clearly legible, within 37 days after receiving notice from the court of the date and time of such violation, together with such other and further information contained in the original notice of liability. Failure to send such information within such thirty-seven-day time period shall render the owner liable for the monetary penalty prescribed by this chapter. Where the lessor complies with the provisions of this Subsection C, the lessee of such motor vehicle on the date of such violation shall be deemed to be the owner of such vehicle for purposes of this chapter, shall be subject to liability for the violation of Subdivision (a) of § 1174 of the Vehicle and Traffic Law pursuant to this section and shall be sent a notice of liability pursuant to this chapter.

D. No owner of a motor vehicle shall be subject to a monetary penalty imposed pursuant to this chapter if such owner can demonstrate by clear and convincing evidence that such school bus stop arms were malfunctioning at the time of the alleged violation.

E. No owner of a motor vehicle shall be subject to a monetary penalty imposed pursuant to this chapter if the operator of such motor vehicle was operating such motor vehicle without the consent of the owner at the time such operator failed to comply with § 1174 of the New York State Vehicle and Traffic Law and the owner of the motor vehicle is able to demonstrate to the court by clear and convincing evidence that the motor vehicle was operated at the time of the violation without the consent of the owner.

Section 10. Chapter 266B, Section 266B-10 of the Town Code of the Town of Rotterdam entitled “Reporting requirements” shall be added as follows:

The demonstration program established by the Town requires that it submit an annual report on the results of the use of a school bus photo violation monitoring system to the Governor, the President of the Senate and the Speaker of the Assembly on or before June 1, 2024, and on the same date in each succeeding year in which the demonstration program is operable. Such report shall include, but not be limited to, the following:

A. The number of buses and a description of the routes where stationary and mobile school bus photo violation monitoring systems were used.

B. The aggregate number, type and severity of accidents reported at locations where a school bus photo violation monitoring system is used for the year preceding the installation of such system.

to the extent the information is maintained by the New York State Department of Motor Vehicles.

C. The number of violations recorded at each location where a school bus photo violation monitoring system is used and in the aggregate on a daily, weekly and monthly basis.

D. The number of convictions for violations of Subdivision (a) of § 1174 of the New York State Vehicle and Traffic Law recorded at each location where a school bus photo violation monitoring system is used on an annual basis, to the extent the information is maintained by the Department of Motor Vehicles of this state.

E. The total number of notices of liability issued for violations recorded by such systems.

F. The number of monetary penalties and total amount of monetary penalties paid after the first notice of liability issued for violations recorded by such systems.

G. The number of violations adjudicated and results of such adjudications, including breakdowns of dispositions made for violations recorded by such systems which shall be provided at least annually to such Town by the courts conducting such adjudications.

H. The total amount of revenue realized by the Town.

I. The expenses incurred by the Town in connection with the program.

J. The quality of the adjudication process and its results including the total number of hearings scheduled, rescheduled, and held; the total number of persons scheduled for such hearings; the total number of cases where monetary penalties were paid on or before the hearing date; and the total number of default judgments entered. Such information shall be provided at least annually to the Town by the court conducting such adjudications.

K. A description of public education activities conducted to warn motorists of the dangers of overtaking and passing stopped school buses.

Section 11. Chapter 266B, Section 266B-11 of the Town Code of the Town of Rotterdam entitled "Expiration" shall be added as follows:

This demonstration program shall expire on December 1, 2024, unless extended further by act of the New York State Legislature. In the event of an extension by the New York State Legislature, the demonstration program set forth herein shall not otherwise expire unless this local law is repealed.