

TOWN OF WILTON
22 Traver Road, Wilton, New York 12831
Code and Zoning Revision Committee

LOCAL LAW NO. __ OF 2026
**A LOCAL LAW ADDING CHAPTER 41 TO THE CODE OF THE TOWN OF WILTON, ENTITLED "AUTOMATED
LICENSE PLATE READER SYSTEMS"**

Be it enacted by the Town Board of the Town of Wilton as follows:

Section 1. Chapter 41 added.

Chapter 41 of the Code of the Town of Wilton is hereby added to read as follows:

CHAPTER 41
AUTOMATED LICENSE PLATE READER SYSTEMS

§ 41-1. Findings; purpose; statutory authority.

A. The Town Board finds that automated license plate reader systems systematically collect information concerning the location and movement of motor vehicles, including vehicles whose owners or occupants are not suspected of criminal or unlawful activity.

B. The Town Board further finds that the aggregation, retention, analysis and sharing of such information can create detailed records concerning the movements and associations of residents and visitors and can expose such information to misuse, unauthorized access, data breaches or disclosure to third parties.

C. The Town Board finds that the widespread deployment of automated license plate reader systems presents risks to individual privacy, freedom of movement, freedom of association, data security and public confidence in government.

D. The purpose of this Chapter is therefore to prohibit systematic automated license plate recognition and vehicle-location surveillance within the Town while preserving the lawful use of ordinary security cameras and narrowly tailored access-control systems that do not create or contribute to databases tracking vehicles traveling through the community.

E. This Chapter is intended to regulate a category of technology and conduct and shall apply without regard to the manufacturer, vendor, owner or operator of the technology.

F. This Chapter is adopted pursuant to § 10 of the Municipal Home Rule Law and §§ 130 and 135 of the Town Law.

§ 41-2. Definitions.

For purposes of this Chapter:

AUTOMATED LICENSE PLATE READER SYSTEM or ALPR SYSTEM

Any system, device, camera, software, computer algorithm or combination thereof that automatically photographs, scans, identifies, recognizes, converts, records or analyzes a motor vehicle license plate or other vehicle-identifying characteristic into computer-readable data and

associates such information with a date, time or location for the purpose of creating, maintaining, contributing to or querying a searchable record or database.

The term includes fixed, mobile, portable and vehicle-mounted systems and systems capable of identifying vehicles by license plate number, make, model, color or other distinguishing characteristics.

CAPTURED PLATE DATA

Any license plate number, vehicle image, date, time, location, direction of travel, vehicle characteristic or other information captured by, derived from or inferred through an ALPR system.

FIXED OR PERMANENTLY INSTALLED

Affixed to or mounted upon a pole, building, structure, trailer, ground mount or other stationary support, and operated from a stationary position, whether or not the support is itself capable of being relocated.

PERSON

Includes an individual, corporation, limited-liability company, partnership, limited partnership, business trust, estate, trust, association, or any other legal or commercial entity of any kind or description.

SECURED AREA

An area that is not open to the general public, is enclosed or otherwise subject to defined boundaries, and may ordinarily be entered only through designated access-control points.

TOWN ENTITY

The Town of Wilton and every department, board, office, agency, employee, official, agent or contractor acting for or on behalf of the Town.

[Drafter's note] The definition of "person" is taken verbatim from § 43-2 so that the two chapters read consistently.

§ 41-3. Prohibited acts.

A. No person shall, within the Town of Wilton, install, deploy, operate, maintain or use an automated license plate reader system that collects, or is capable of collecting, data concerning vehicles while they are located within the Town.

B. No person shall knowingly cause captured plate data to be collected in violation of this Chapter. No person who collected captured plate data in violation of this Chapter, caused its collection, or owned or operated the ALPR system through which it was collected shall retain, sell, license, exchange, transmit or disclose such data, except as required by law.

C. No Town Entity shall acquire, lease, contract for, subscribe to, accept as a donation, install, operate, access, query or use an ALPR system, captured plate data, or any ALPR database, whether regional, statewide, national, commercial or privately operated; and no Town funds, property, rights-of-way, easements, poles, facilities, equipment or other Town resources shall be used to install, operate, maintain or facilitate an ALPR system.

D. The prohibitions of this section apply regardless of whether the equipment is owned by the person operating it, leased from a third party, supplied without charge, or whether the resulting data are stored within or outside the Town.

[Mark Question] Subsection B and § 41-5(E) restrict retention and disclosure only by the person who collected the data, caused its collection, or owned or operated the system. They do not reach a person who later receives the data without participating in its collection, such as a journalist, researcher or attorney. In Bartnicki v. Vopper, 532 U.S. 514 (2001), the Supreme Court held that the First Amendment protected disclosure of unlawfully intercepted communications on a matter of public concern by persons who did not participate in the interception. Please confirm this limitation is sufficient.

§ 41-4. Exclusions.

The prohibitions of this Chapter shall not apply to:

- A. A conventional photographic or video surveillance camera that may incidentally capture an image of a license plate but does not automatically convert, identify, index or analyze license plates or vehicle characteristics into searchable computer-readable data.
- B. A dashboard camera, body-worn camera, doorbell camera or similar recording device, provided that no functionality that would cause the device to constitute an ALPR system under § 41-2 is enabled or used.
- C. A system used solely to control physical entry into or exit from a secured area that is not open to the general public, provided that:
 - 1. the data are used only for access control or security of that secured area;
 - 2. the data are not contributed or made accessible to a commercial, regional, statewide or national ALPR database or vehicle-location network; and
 - 3. the data are not disclosed except with the consent of the vehicle owner or pursuant to lawful judicial process.

§ 41-5. Existing systems.

- A. Notwithstanding § 41-3(A), an ALPR system in operation within the Town on the effective date of this Chapter shall not be deemed in violation of this Chapter during the compliance periods established by this section, provided that its owner and operator comply with this section.
- B. Every such system shall cease collecting captured plate data no later than thirty (30) days after the effective date of this Chapter.
- C. No later than sixty (60) days after the effective date of this Chapter, the owner or operator of any fixed or permanently installed ALPR system shall either physically remove the equipment from the premises and certify such removal in writing to the Code Enforcement Officer, or obtain a certificate of decommissioning under Subsection D.
- D. The Code Enforcement Officer shall issue a certificate of decommissioning only upon written application by the owner or operator of the system and upon determining, on the basis of documentation submitted by the applicant and any inspection conducted under this subsection, that all functionality that would cause the device to constitute an ALPR system under § 41-2 has been

permanently removed or disabled and that the device is not connected to any ALPR database or vehicle-location network. The Code Enforcement Officer may require that such documentation include written confirmation from the vendor, installer or a qualified technician, and may inspect the device with the consent of the owner of the premises and the owner of the device, pursuant to a warrant or court order obtained from a court of competent jurisdiction, or as otherwise authorized by law. The certificate shall be revoked if the device is restored to operation as an ALPR system.

E. The owner and operator of a system subject to this section shall not sell, transfer, upload or disclose captured plate data collected through that system within the Town, except as required by law.

[Drafter's note] Because § 41-4(A) permits ordinary security cameras, this section does not require removal of hardware that can lawfully remain in service once its ALPR functionality is gone. Removal and a certificate are the only two ways to comply with Subsection C, so switching a system off or suspending its service does not satisfy it. The certificate test in Subsection D is tied to the § 41-2 definition so that a device which stops reading plates but continues to identify vehicles by appearance does not qualify.

[For Mark] The certificate is deliberately not conditioned on advance consent to inspection. In Sokolov v. Village of Freeport, 52 N.Y.2d 341 (1981), the Court of Appeals held unconstitutional a permit scheme that effectively compelled consent to warrantless inspection, and a mandatory consent condition would raise the same question here. Verification therefore rests on documentation the applicant must supply, with inspection available by consent, by warrant or court order, or as otherwise authorized by law. The warrant language follows the Code's existing usage in Chapters 43 and 69. Because the equipment owner and the owner of the premises may be different persons, Subsection D requires the consent of both for a consensual inspection. Please confirm this structure is sound.

[For Mark] Note an intentional asymmetry in this section. Subsection B requires every existing ALPR system, fixed or mobile, to stop collecting within thirty days. The removal and decommissioning obligations in Subsections C and D apply only to fixed or permanently installed systems, because there is no coherent way to order the physical removal of equipment mounted on a vehicle that merely passes through the Town. A mobile operator is therefore subject to the prohibition and the penalties but not to the certificate process. Please confirm this is a defensible structure.

§ 41-6. Enforcement and penalties.

A. This Chapter shall be enforced by the Code Enforcement Officer and all other code enforcement personnel as defined in § 43-2, and by any other officer or employee designated by the Town Board.

B. Penalties.

(1) Any person who violates any provision of this Chapter, or any term or condition of a certificate or order issued pursuant to this Chapter, shall be guilty of a violation punishable by a fine of not more than \$1,000.

(2) Any person who violates any provision of this Chapter shall also be liable to pay a civil penalty of not more than \$1,000, recoverable in an action instituted in the name of the Town of Wilton.

(3) Each camera or other discrete image-capture device installed, operated, maintained or used as part of an ALPR system shall constitute a separate violation. Following written notice of a violation and expiration of any applicable compliance period, each day that an unlawful ALPR system remains in operation or remains installed upon the premises shall constitute a separate violation.

C. Injunctive relief. Upon authorization of the Town Board, the Town may commence an action or proceeding in a court of competent jurisdiction to compel compliance with this Chapter, restrain any violation by temporary or permanent injunction, require the removal of any ALPR system installed or operated in violation of this Chapter, or obtain any other remedy available at law or in equity.

D. The owner of property upon which an ALPR system is installed and the person operating or controlling the system may each be held responsible where such person knowingly permits or continues the violation following notice thereof.

E. Notwithstanding §§ 43-4(G) and 43-7(B) of this Code, no building permit, sign permit or certificate of occupancy shall be issued for premises upon which a violation of this Chapter is known to exist. This subsection applies only to the premises upon which the violation exists.

F. Remedies not exclusive. The remedies and penalties provided in this section are cumulative, and each is in addition to any other remedy or penalty available under this Code or other applicable law.

[For Mark] Subsection E is limited to building permits, sign permits and certificates of occupancy for the premises where the violation exists. Variances, special use permits and site plan approvals are deliberately excluded: Town Law § 267-b prescribes the criteria a Zoning Board must apply to variance applications, and § 274-a limits site plan conditions to those reasonably and directly related to the site plan. Within the Code, the subsection follows § 129-171, which already bars issuance of a building permit on property where a zoning violation is known to exist, and sign permits are already conditioned by § 129-187(A)(1) on compliance with all other laws and ordinances of the Town. Because §§ 43-4(G) and 43-7(B) direct that a building permit and a certificate of occupancy shall issue upon Uniform Code and Energy Code compliance, Subsection E expressly overrides those sections. Please confirm that approach satisfies Municipal Home Rule Law § 22, or advise whether conforming amendments to Chapter 43 should be added as a separate section of this local law.

[For Mark] Subsections B, C and F follow the structure of § 43-17, which provides both a fine and a civil penalty of up to \$1,000, requires Town Board authorization for injunctive actions, and makes remedies cumulative. Unlike § 43-17(C), this Chapter provides no term of imprisonment. Because each device and each day is a separate violation, daily exposure multiplies with the number of noncompliant devices at a premises. The \$1,000 figure matches the highest penalty found anywhere in the Code. Because justice court civil jurisdiction is limited to \$3,000, an accumulated civil penalty above that amount would be pursued in Supreme Court, most practically together with an injunctive action under Subsection C. Please confirm the \$1,000 figure is within the Town's authority under Municipal Home Rule Law § 10(4)(b) and Town Law § 135, that providing both a fine and a civil penalty for the same violation is appropriate here as it is in Chapter 43, and whether a higher amount would be permissible should the Town Board wish to adopt one.

[For Mark] Appearance-ticket authority is deliberately omitted. Municipal Home Rule Law § 10(4)(a) permits a local law to authorize non-police public servants to issue appearance tickets only in enumerated subject areas, such as building, zoning and planning, and this Chapter does not clearly fall within them. Enforcement can proceed by a document filed in Town Court on the Code Enforcement Officer's sworn allegations, or through the Sheriff. Please advise whether authority exists to add it.

§ 41-7. Severability.

If any clause, sentence, paragraph, subsection, section or application of this Chapter is adjudged by a court of competent jurisdiction to be invalid or preempted, such judgment shall not affect, impair or invalidate the remainder of this Chapter or its application to other persons or circumstances.

§ 41-8. Effective date.

This local law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law, subject to the compliance periods specified in § 41-5.

Notes for Mark

***[Municipal authority]** Please confirm that the Town's police powers under Municipal Home Rule Law § 10 and Town Law § 130 authorize a townwide prohibition on the private installation and operation of automated license plate reader systems, including systems located wholly upon private commercial property and collecting data only from vehicles present on that property, and identify any preemption, State constitutional, or other limitations on that authority. Every other question in this Chapter is secondary to this one, as the whole thing is dead in the water if the Town lacks authority to reach private collection on private property. If so, the Chapter would need to be rebuilt around Town property, Town rights-of-way, and Town use, which the Town plainly can regulate.*

***[First Amendment]** Two opposing decisions frame the question, which tells me that we at least have a leg to stand on should there be a challenge. In *Sorrell v. IMS Health Inc.*, 564 U.S. 552, the Supreme Court applied heightened scrutiny to a Vermont statute restricting the sale, disclosure and use of prescriber-identifying data, reasoning that the creation and dissemination of information is speech. In *Western Watersheds Project v. Michael*, 869 F.3d 1189, the Tenth Circuit relied on *Sorrell* to hold that the collection of data may itself constitute protected creation of speech, observing that a contrary rule would let government regulate the source of information instead of its dissemination. Neither is a Second Circuit ALPR decision and neither controls here. A prohibition on collection is not demonstrably safer than a restriction on data sharing, and this Chapter is not on settled ground either way.*