TOWN OF HERNDON, VIRGINIA
TOWN COUNCIL

ORDINANCE

FEBRUARY 3, 2026

Ordinance- **to amend Chapter 42 (MOTOR VEHICLES AND TRAFFIC), Article II (Administration and Enforcement), Division 3 (Enforcement), to add thereto a new section 42-65 entitled "Establishment of photo-monitoring systems to enforce traffic light signals".**

BE IT ORDAINED by the Town Council of the Town of Herndon, Virginia that:

1. The following sections or provisions of the Herndon Town Code (2000), as amended, are amended as follows:

CHAPTER 42

(MOTOR VEHICLES AND TRAFFIC)

Article II. Administration and Enforcement

Division 3. Enforcement

Sec. 42-65 - Establishment of photo-monitoring systems to enforce traffic light signals.

A. Definitions. Except for those terms defined in chapters 1 and 2 of the Town Code, the terms used in this article have the meanings provided in Code of Virginia, § 15.2-968.1(A).

B. Traffic light signal violation monitoring system. In accordance with the provisions of Code of Virginia, § 15.2-968.1, there is hereby established a traffic signal enforcement program imposing monetary liability on the operator of a motor vehicle for failure to comply with traffic light signals. The Town Manager shall cause the installation and operation of traffic light signal violation monitoring systems at no more than 10 intersections, or at no more than one intersection for every 10,000 residents within the town, whichever is greater, at any one time.

C. Failure to comply. The operator of a vehicle shall be liable for a monetary penalty imposed pursuant to this article if such vehicle is found, as evidenced by information obtained from a traffic light

signal violation monitoring system, to have failed to comply with a traffic light signal within the Town.

D. Proof of a violation. Proof of a violation of this article shall be evidenced by information obtained from a traffic light signal violation monitoring system authorized pursuant to Code of Virginia, § 15.2-968.1. A certificate, sworn to or affirmed by a law-enforcement officer employed by the Town authorized to impose penalties pursuant to this article, or a facsimile thereof, based upon inspection of photographs, microphotographs, videotape, or other recorded images produced by a traffic light signal 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 pursuant to this article.

E. Evidence. In the prosecution for a violation of this article, prima facie evidence that the vehicle described in the summons issued pursuant to this article was operated in violation of Code of Virginia, § 15.2-968.1, together with proof that the defendant was at the time of such violation the owner, lessee, or renter of the vehicle, shall constitute in evidence a rebuttable presumption that such owner, lessee, or renter of the vehicle was the person who committed the violation. Such presumption shall be rebutted if the owner, lessee, or renter of the vehicle: (i) files an affidavit by regular mail with the clerk of the Fairfax County General District Court that he was not the operator of the vehicle at the time of the alleged violation; or (ii) testifies in open court under oath that he was not the operator of the vehicle at the time of the alleged violation. Such presumption shall also be rebutted if a certified copy of a police report, showing that the vehicle had been reported to the police as stolen prior to the time of the alleged violation of this article, is presented, prior to the return date established on the summons issued, to the court adjudicating the alleged violation.

F. Penalty.

1) Imposition of a penalty pursuant to this article 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.

2) The monetary penalty imposed under this article shall be the greater of: (i) $ 50.00, or (ii) the highest amount permitted by Code

of Virginia, § 15.2-968.1(F), as may be amended, at the time of adjudication.

3) The monetary penalty imposed under this article shall not include court costs.

G. Summons. A summons for a violation of this article may be executed pursuant to, and must meet the requirements provided in, the provisions of Code of Virginia, § 15.2-968.1, as may be amended.

H. Information collected by a traffic light signal violation monitoring system.

1) Information collected by a traffic light signal violation monitoring system installed and operated pursuant to this article shall be limited exclusively to that information that is necessary for the enforcement of traffic light violations. On behalf of the Town, a private entity that operates a traffic light signal violation monitoring system may enter into an agreement with the Department of Motor Vehicles, in accordance with the provisions of Code of Virginia, § 46.2- 208(B)(21), to obtain vehicle owner information regarding the registered owners of vehicles that fail to comply with a traffic light signal. Information provided to the operator of a traffic light signal violation monitoring system shall be protected in a database with security comparable to that of the Department of Motor Vehicles' system, and used only for enforcement against individuals who violate the provisions of this article. Notwithstanding any other provision of law, all photographs, microphotographs, electronic images, or other personal information collected by a traffic light signal violation monitoring system shall be used exclusively for enforcing traffic light violations and shall not:

a) be open to the public;

b) be sold or used for sales, solicitation or marketing purposes;

c) be disclosed to any other entity except as may be necessary for the enforcement of a traffic light violation or to a vehicle owner or operator as part of a challenge to the violation; or

d) be used in a court in a pending action or proceeding unless the action or proceeding relates to a violation of Code of Virginia, §§ 46.2-830, 46.2- 833, 46.2-835, 46.2-836 or requested upon order from a court of competent jurisdiction.

2) Information collected under this section shall be purged in accordance with the time periods provided in Code of Virginia, § 15.2-968.1(H), as may be amended.

3) The Town Manager shall annually certify compliance with Code of Virginia, § 15.2-968.1 and make all records pertaining to the traffic light signal violation monitoring systems available for inspection and audit by the Commissioner of Highways or the Commissioner of the Department of Motor Vehicles or his designee.

4) Any person who discloses personal information in violation of the provisions of this subsection shall be subject to a civil penalty of $1,000.00 per disclosure. Any unauthorized use or disclosure of such personal information shall be grounds for termination of any relevant agreement between the Department of Motor Vehicles and a private entity.

I. Agreement with private entity. The Town may enter into an agreement with a private entity to compensate the private entity for providing the traffic light signal violation monitoring system established by this article, equipment required, and all related support services, to include consulting, operations and administration. However, only a law- enforcement officer employed by the Town may swear to or affirm the certificate required by Subsection (D). The Town shall not enter into an agreement for compensation based on the number of violations or monetary penalties imposed.

J. Determining installation sites. When selecting potential intersections for the traffic light signal violation monitoring system, the Town Manager shall consider the mandatory factors identified in Code of Virginia, § 15. 2- 968. 1(J), as may be amended, and may also consider the risk to pedestrians as a factor, if applicable. Before the implementation of a traffic light signal violation monitoring system at an intersection, the Town Manager shall ensure the completion of an engineering safety analysis in accordance with the provisions of Code of Virginia, § 15.2-968. 1(K).

K. Monthly evaluation. The Town Manager shall cause the monthly evaluation of the traffic light signal violation monitoring system to ensure all cameras and traffic signals are functioning properly. Evaluation results shall be made available to the public.

L. Signage. A conspicuous sign must be placed within 500 feet of the intersection approach at which a traffic light signal violation monitoring system is used to enforce traffic light signals. There shall be a rebuttable presumption that such signs were in place at the time of the commission of the traffic light signal violation.

M. Town vehicles. Notwithstanding any other provision of this article, if a vehicle depicted in images recorded by a traffic light signal photo monitoring system is owned, leased, or rented by the Town, then the Town may access and use the recorded images and associated information for employee disciplinary purposes.

2. This ordinance shall be effective on and after the date of its adoption.