**CHARTER TOWNSHIP OF GENESEE GENESEE COUNTY, MICIDGAN**

**ORDINANCE NO.** 575

**AN ORDINANCE TO PROHIBIT EAVESDROPPING AND/OR SURVEILLANCE OF PERSONS IN PRIVATE PLACES.**

**THE CHARTER TOWNSHIP OF GENESEE ORDAINS:**

**Section 1: Definitions**

1. "Eavesdrop" or "eavesdropping"means to overhear, record, amplify or transmit any part of the private discourse of others without the permission of all persons engaged in the discourse.
2. "Surveillance" means to secretly observe the activities of another person for the purpose of spying upon and invading the privacy of the person observed.
3. "Private place" means a place where one may reasonably expect to be safe from casual or hostile intrusion or surveillance but does not include a place to which the public or substantial group of the public has access.
4. "Person" means any individual , partnership, corporation or association.
5. "Unmanned aerial vehicle" means an aircraft that is operated without the possibility of direct human intervention from within or on the aircraft.

**Section 2: Prohibited Conduct**

Except as otherwise provided in this section, a person shall not do either of the following:

1. Install, place, or use inany private place, without the consent of the personor persons entitled to privacy in that place, any device, including unmanned aerial vehicles, for observing, recording, transmitting, photographing, or eavesdropping upon thesounds or events in that place.
2. Distribute, disseminate, or transmit for access by any other person a recording, photograph, or visual image the person knows or has reason to know was obtained in violation of this section.

**Section 3: Exceptions**

This section does not prohibit:

1. security monitoring in a residence if conducted by or at the direction of the owner or principal occupant of that residence unless conducted for a lewd or lascivious purpose.
2. Eavesdropping or surveillance not otherwise prohibited by law by a peace officer of this state or of the federal government, or the officer's agent, while in the performance of the officer's duties.
3. Hearing a communication transmitted by common carrier facilities by an employee of a communications common carrier when acting in the course of his or her employment.
4. The recording bya public utility of telephone communications to it requesting service or registering a complaint by a customer, if a record of the communications is required for legitimate business purposes and the agents, servants, and employees of the public utility are aware of the practice or surveillance by an employee safeguarding property owned by, or in custody of, his or her employer on his or her employer's property.
5. The routine monitoring, including recording, by employees of the department of corrections of telephone communicationson telephones available for use by prisoners instate correctional facilities, if the monitoring is conducted in the manner prescribed by section 70 of Act No. 232 of the Public Acts of 1953, being section 791.270 of the Michigan Compiled Laws, and rules promulgated under that section.

**Section 4: Violation**

1. A person convicted of violating this Ordinance shall be punished by a fine of not more than Five Hundred Dollars ($500.00) or by imprisonment for not more than ninety (90) days, or by both such fine and imprisonment.
2. This section does not prohibit a person from being charged with, convicted of, or punished for any other violation of law committed by that person while violating or attempting to violate this Ordinance.

**Section 5: Severability**

If any portion of this Ordinance shall be determined invalid or unconstitutional by a Court, the remainder shall be considered severable and shall remain in full force and effect.

**Section 6: Publication**

This Ordinance shall be published in a newspaper circulated within the Charter Township of Genesee, Genesee County, Michigan.

**Section 7: Effective Date**

This Ordinance shall take effect 30 days after its first publication.

**Section 8: Certification**

We hereby certify that the foregoing Ordinance No. *.5.1.5* was adopted on the second reading by the i:ownship Board of the Charter Township of Genesee, Genesee County, Michigan.

First reading: February 13, 2018

Charter Township of Genesee

First publication: February 21, 2018

Second reading: March 13, 2018

Second publication: March 21, 2018

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