

**PORT SHELDON TOWNSHIP  
OTTAWA COUNTY, MICHIGAN**

**SURVEILLANCE AND EAVESDROPPING  
ON TOWNSHIP PROPERTY ORDINANCE**

**ORDINANCE NO. 2022-01**

AN ORDINANCE TO PROHIBIT UNLAWFUL  
SURVEILLANCE AND EAVESDROPPING ON  
CERTAIN TOWNSHIP PROPERTY.

PORT SHELDON TOWNSHIP, OTTAWA COUNTY, MICHIGAN, ORDAINS:

**Section 1. Purpose and Findings.** The State of Michigan has adopted the Surveillance and Wiretapping Act (“SWA”), MCL §750.539a-j, prohibiting surveillance or eavesdropping that would constitute an invasion of privacy. The Board determines that when a Township officer has not provided specific consent for an area to be photographed, surveilled, or eavesdropped, there is a privacy and security interest in protecting Township owned, leased, or controlled property (“Township Property”), except the Township Hall meeting room during a meeting, the lobbies and hallways of Township buildings, and outside areas of Township Property. Except within the Township Hall meeting room during an open meeting when consent to be surveilled is presumed, the Township finds that photography without consent is an invasion of privacy of Township personnel, officers, and the public present on Township Property.

The Township finds that the behaviors prohibited in this Ordinance would impede and interfere with the proper functioning of Township business. Unauthorized videotaping and audio recording and harassment of Township personnel, if unchecked, could threaten the recruitment and retention of Township funded personnel, thereby further impeding the performance of duties necessary to the Township.

**Section 2. Prohibitions.** It shall be a violation of this Ordinance and unlawful for any person (i.e. any legal entity or natural individual) to photograph, video record, or audio record any work area, person, or proceeding inside a Township building that is part of the Township Property. The following are exceptions to this prohibition:

- a. Publicly noticed proceedings of a Township board or commission or committee subject to Michigan’s Open Meetings Act;
- b. Another proceeding in a Township building that is part of the Township Property where the photography, videography, or audio recording is expressly authorized by the Township Supervisor; or
- c. Any law enforcement or security activities on Township Property.

**Section 3. Severability and Captions.** This Ordinance and its various parts, sections, subsections, sentences, phrases, and clauses are declared severable. If any part, section, subsection, sentence, phrase, or clause is adjudged unconstitutional or invalid by a court of

competent jurisdiction, the remainder of this Ordinance shall not be affected. The captions included at the beginning of each Section are for convenience only and shall not be considered a part of this Ordinance.

**Section 4. Repeal.** Any existing ordinance or resolution that is inconsistent or conflicts with this Ordinance is repealed to the extent of any such conflict or inconsistency.

**Section 5. Administrative Liability.** No officer, agent, or employee of the Township shall be personally liable for any act, decision, or other consequence or occurrence arising out of the discharge of duties and responsibilities pursuant to this Ordinance.

**Section 6. Penalties.** A violation of the provisions of this Ordinance shall be deemed a municipal civil infraction as defined and enforced in Ordinance 2009-02, as amended. The rights and remedies provided in this Ordinance are cumulative and in addition to all other remedies provided by law.

**Section 7. Effective Date.** This Ordinance is ordered to take effect 30 days after publication in a newspaper of general circulation in the Township.

ROLL CALL VOTE:

YES: Howard Baumann, Teresa De Graaf, Rachel Frantom and Bill Monhollon

NO: None

ABSENT: Gerald Smith

This Ordinance is declared adopted on February 9, 2022.

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Howard Baumann, Township Supervisor

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Teresa De Graaf, Township Clerk

CERTIFICATE

I, Teresa De Graaf, Clerk for Port Sheldon Township, Ottawa County, Michigan, certify that the foregoing Ordinance was adopted at a regular meeting of the Port Sheldon Township Board, held on February 9, 2022. The following members of the Township Board were present at that meeting: Howard Baumann, Teresa De Graaf, Rachel Frantom and Bill Monhollon and the following members of the Township Board were absent: Gerald Smith. The Ordinance was adopted by the Township Board with members of the Board Howard Baumann, Teresa De Graaf, Rachel Frantom and Bill Monhollon voting in favor, and no members of the Board voting in opposition to the Ordinance. Notice of Adoption was published in the Holland Sentinel on February 17, 2022.

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Teresa De Graaf, Township Clerk