

VILLAGE OF FAIRGROVE
TUSCOLA COUNTY, MICHIGAN
ORDINANCE NO. 56
PRIVACY PROTECTION

This ordinance is to protect individual's privacies with in the village limits of Fairgrove. That the privacy of individuals is Constitutionally guaranteed by the Constitution of the United States and the Constitution of the State of Michigan.

Section 1: Definitions:

Electronic devises includes, but not limited to: appliances, cell phone, computers and other devises that collects, retains, and/or transmits data electronically.

Behaviors are the distinctive unique acts of day-to-day activities, of an individual, business or household that are considered proprietary in nature, or private, and where there is a belief or there is an expectation of privacy.

Third Party – For the purpose of this ordinance, “Third Party” may be one or more persons, business, governmental bodies or an agent of the government, that may or may not of have directly obtain the information in violation of this ordinance.

Section 2: Prohibited Act

1. A person, persons, governmental body, business, or other entity shall not monitor, videotape, gather information, or intercept transmission from electronic devise. Where the activities, information, communication, or the transmission of data originated within the village limits of Fairgrove.

- a. To determine an affiliation of an organization, race, sex, sexual orientation, religion or political party.
- b. To obtain information on banking practice, income, or other financial data.
- c. For the purpose of adjust or assess fees, fine, taxation, which is based on individuals, household, or business behaviors.
- d. For the purpose of collecting data for a third party, for storage and future use.
- e. To monitor the consumption of goods and services.
- f. To gather information to determine an individuals health, medical treatments or monitor activities relating or factors that could contributes to health conditions of an individual.
- g. To track the locations of individuals through electronic devises or services.
- h. A third party cannot intercept, retain, transmit to another, or use data that was transmitted or that originated with in the village limits of Fairgrove to another without the consent of the parties whose information was obtained, whether the information was obtained legally or in violation of this ordinance to a third party

for a purpose of compile an electric automated database to monitor an individual's, business' or entities' activities and behavior that would constitute a prohibited act of this ordinance.

i. For any other unauthorized or illegal purpose.

2. A third party entities shall not obtain, transmit, sell, buy or gather information origination within the village limits of Fairgrove in violation of this ordinance.

3. Penalizing, taxing, assessing additional fee or denying service to person, business or entity who exercise their rights to privacy is a violation of this ordinance.

Section 3: Exceptions

1. The person, persons or entity who has provides the information willing and has been informed of the purpose and has a full understanding of how the data is to be used. However, the consent and agreements cannot extend or be obtained on behave of a third parties, unless it is part of the normal course of business. And is not used for unauthorized or unintended purposes and not retained longer or then necessary for authorized purposes.
2. The person, persons or entity has been fully informed of the extent of the interceptions, how the information is going to be used, who has access to the information, and the parties' consents to the interception of the data.
3. A governmental agency that is working within a scope of a lawful warrant.
4. Information, observations and surveillance that observed activity made in public view.
5. Monitoring utilities consumption, base on defined fixed units of consumptions. The fixed unit may very in cost based on classification of the type of customers; Customer types can include residential, school, government, business and or industrial.
6. A lawful court order.
7. Retention of normal business related records that comply with local, state and federal laws.
8. While coordinated emergency response.
9. A third party receives express permission from the individual, business or entity for the retention, collection, transmission and/or the duplication of a record of an individual, business or entity.

SECTION 4. Separability

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

SECTION 5. Violations; separate offenses.

1. A violation occurs each time this ordinance is violated.
2. When stored data obtained in violation of this ordinance is transmitted, reproduced, used or provided to a 3rd party.
3. At the time when the individual, business or entity learns that their information was obtained, transmitted, or retained in violation of this ordinance.
4. Each day upon which a violation described in this section occurs is a separate offense.

SECTION 5: Penalty

- a. A person who that violates any provision of this Ordinance shall be responsible for a municipal civil infraction and subject to payment of a civil fine of not less than One Hundred and 00/100 (\$100.00) Dollars, plus costs and other sanctions as set forth in Civil Infraction Ordinance No. 49 for each infraction. Repeat violations of this Ordinance shall be subject to increased fines and other sanctions as provided by Ordinance No. 49. Furthermore, any violation shall be subject to such injunctive relief as granted by the Court.
- b. A person who violation Section 2, paragraph 3 of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not exceeding \$100.00 or by imprisonment for not more than 90 days, or both said fine and said imprisonment.
- c. As used in this section, "person" means an individual, partnership, public or private corporation, association, governmental entity, or other legal entity.

The undersigned President and Clerk of the Village of Fairgrove hereby certify that this Ordinance was duly adopted by the Fairgrove Village Council at a meeting held on the ##th day of #####, 2013 and a synopsis thereof was published in the *Tuscola County Advertiser* on the ##th day of #####, 2013. This Ordinance shall take effect twenty (20) days after said date of adoption, which is ##### ##, 2013.

Thomas S. Wassa, Village President

Mellissa Couture, Village Clerk