

📖 CHAPTER 864

Surveillance Cameras Required for Certain Businesses

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📖 864.01 SHORT TITLE.

This chapter shall be known and be cited as the Surveillance Camera for Business chapter of the Township of Clinton Code of Ordinances.
(Ord. 427. Passed 3-13-17.)

📖 864.02 DEFINITIONS.

The following definitions and provisions shall govern the construction, meaning and application of the following words and phrases:

1. “Business Establishments” or “Establishment” shall mean establishments listed and defined as follows:
 - A. “Bank or financial institution” shall mean an establishment whose primary function is related to the custody, loan, exchange, issuance of money, extension of credit or transmission of funds such as by example banks, credit unions, or savings and loan.
 - B. “Check cashing business” shall mean a business commonly known as offering payday loans, cash advance, or check advance loans which is regulated under the State of Michigan Deferred Presentment Services Transaction Act 244 of 2005 as amended, or any similar state law.
 - C. “Coin dealer” shall mean any business who as a substantial portion of business buys and sells coins, gold or other precious metals as the term is defined elsewhere by ordinance.
 - D. “Firearm dealer” shall mean an establishment required to obtain a federal firearms license to sell firearms which engages in firearms transactions.
 - E. “Gas stations” shall mean a retail establishment at which motor vehicles are refueled.
 - F. “Hotel or motel” shall mean any building or structure equipped, used, advertised as, or held out to the public as a facility or place where sleeping quarters or other similar accommodations are furnished for a fee to transient guests.
 - G. “Liquor or alcohol business” shall mean any retailer required to obtain a permit by the State of Michigan Liquor Control Commission which authorizes the sale of beer, wine, or distilled spirits to be consumed on or off the premises where sold inclusive of brew pubs, distilleries, or other similarly licensed facilities.

H. "Media" shall mean material conforming to the minimum technical standards of this chapter upon which audio, video and electronic data can be recorded for the purpose of making a permanent record.

I. "Mobile communications dealer" shall mean any retailer of a wireless two-way communication device including a telephone used in cellular telephone service which represents, along with accessories related thereto more than 50% of the displayed goods for retail purchase accessible to or observable by patrons.

J. "Money transmission services" shall mean a retailer selling or issuing payment instruments, or stored value devices, or receiving money or monetary value for transmission. The term does not include the provision solely of delivery online, or telecommunication services, or network access.

K. "Pawnbroker" shall mean a business required to obtain a license issued pursuant to the Code of Ordinances of the Charter Township of Clinton regulating pawnbrokers or used goods dealers.

L. "Pharmacy" shall mean a facility or part of a facility that is licensed under this part to dispense prescription drugs, or prepare prescription drugs for delivery or distribution and does not include the office of a dispensing prescriber, or an automated device.

M. "Scrap metal dealer" shall mean a person or entity that buys scrap metal and is not a first purchaser, including but not limited to a person whether or not licensed under state law or local ordinance that operates a business as a scrap metal recycler, scrap processor, secondhand and junk dealer, or other person that purchases any amount of scrap metal on a regular, sporadic, or one time basis.

N. "Video surveillance system" shall mean a continual digital surveillance system including cameras, cabling, monitors, and digital video recorders (DVR) and other related equipment used in conjunction which records in color with camera and lens of a type with minimum resolution number and location, meeting the terms of this ordinance or otherwise as approved by the Chief of Police or his or her designee. The system must be capable of producing retrievable and identifiable images and video recordings which can be enlarged through projection or other means and can make a permanent record for use and identification of individuals and for use in a criminal investigation.

(Ord. 427. Passed 3-13-17.)

864.03 VIDEO SURVEILLANCE SYSTEM REQUIRED FOR BUSINESS ESTABLISHMENTS.

Every business establishment as defined in this chapter is required to install and maintain, in working order, a video surveillance system compliant with this chapter. Establishments which as of the effective date of this chapter have a video surveillance system shall insure that such system is maintained and if necessary, upgraded to be in full compliance with this chapter. All video surveillance systems shall:

- (a) Be maintained in proper working order including prompt repair and/or replacement.
- (b) The video camera shall be sufficiently light sensitive and provide sufficient image resolution supported by additional lighting if necessary, to produce easily discernable images recorded at all times, including imagery sufficient to identify persons.
- (c) The video camera shall record at a minimum speed of eight frames per second.
- (d) The video camera images shall be capable of being viewed through the use of appropriate technology, including, but not limited to a computer screen, and a closed circuit television monitor.

(e) The video camera shall be digital in nature and capable of transferring the recorded images to a portable digital form of media.

(f) The video camera shall be in operation and recording twenty-four hours a day, seven days a week.

(g) The recordings made by video camera installed and maintained shall be indexed by dates and times.

(h) The video camera shall meet additional minimal technological standards established pursuant to this chapter.

(Ord. 427. Passed 3-13-17.)

864.04 MINIMUM COVERAGE STANDARDS SITE ASSESSMENT SIGNAGE.

The video system shall be capable of producing imagery allowing for facial recognition of persons who are in areas accessible to patrons facing each register or checkout stand, who would be entering each entrance/exit and shall additionally have a wide angle camera or cameras, allowing for imagery of the parking lot of an area designated for parking and the likely pedestrian approach way toward the facility. At gas stations additionally, all fueling areas shall have a video system so that facial recognition is allowed in the fueling areas. Cameras positioned at the entrance/exit and registers shall be positioned so as to view and record a full frame of the individual's face as they are entering the business establishment and to the extent practicable activity within fifteen feet around the area of each entrance, exit, register and checkout area, cameras shall be positioned to show persons in an area for occupancy by patrons facing toward a register or checkout area and activity within fifteen feet of the area around such location.

(Ord. 427. Passed 3-13-17.)

864.05 NOTIFICATION OF INCIDENTS AND ACCESS TO MEDIA.

If a crime occurs, or any employees of an establishment believe or suspect a crime has occurred at the establishment premises, the establishment shall contact the police department immediately and shall provide the police department immediately access to media containing the recorded event. An establishment shall retain the continuous images recorded by the system for no less than thirty days. The recording shall be stored in a locked receptacle preferably located in a controlled access area to which only authorized persons had access and shall be secured to restrict access to such video recordings. A log of all instances of requests for access to and the use of recorded materials made by video cameras shall be maintained. Copies of the access log shall be provided to the police department upon demand.

(Ord. 427. Passed 3-13-17.)

864.06 INSPECTIONS.

The video surveillance system and the location for storage shall be subject to regular inspection by the Chief of Police or his or her designee at reasonable times to determine conformance to this chapter. If imagery is sought for an incident which is unavailable for any reason, the video surveillance system shall be subject to inspection, testing and review by the police department to verify the functionality of the system at the time of the incident. Any failure to produce an image which otherwise properly should have been recorded, shall be considered a violation of this chapter unless the system has been under repair for a reasonable length of time. Any failure to permit an inspection or to timely repair and maintain the video surveillance system in working order shall be considered a violation of this chapter.

(Ord. 427. Passed 3-13-17.)

864.07 MINIMUM TECHNOLOGY STANDARDS.

Minimum technology standards shall be promulgated by the Police Chief after consultation with the Information Technology Department which shall be issued and maintained at the Police Department and made available upon request to business establishments subject to this chapter. (Ord. 427. Passed 3-13-17.)

864.08 EXEMPTIONS AND APPEALS.

Business which is required to install a video surveillance system may apply to the Chief of Police or his or her designee for an exemption or an exception from all or a part of the provisions of this chapter. The Chief of Police and his or her designee may exempt for a period of time established and determine such business establishment upon a finding that the business has or will undertake alternate security procedures which are substantially equal to or more affective preventing criminal activity and in assisting in the apprehension of perpetrators of crime and for the protection of employees and patrons. Temporary extensions of time for full compliance with the insulation and maintenance of the video surveillance system and media shall be permitted upon a showing of good cause.

(Ord. 427. Passed 3-13-17.)

864.09 VIDEO SURVEILLANCE SYSTEM COMPLIANCE WITH CODES.

The video surveillance system must comply with all Township codes and state and federal codes with respect to the installation and maintenance of such system.

(Ord. 427. Passed 3-13-17.)

864.10 PENALTIES.

Any person or business who shall violate any of the provisions of this chapter or fails to comply with the court requirements shall be subject to a civil infraction with a minimum fine of one hundred fifty dollar (\$150.00) per day for each day said violation continues to exist. Each day said violation continues to exist shall constitute a separate and distinctive offense.

(Ord. 427. Passed 3-13-17.)

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