

ORDINANCE NO. 282

TOWNSHIP FACILITIES ACCESS ORDINANCE

The Charter Township of Larkin (the "Township") ordains: An Ordinance to regulate access and use of Township facilities.

Section 1. Control of Access to Township-owned, Controlled and Leased Property.

Consistent with decisions of the U.S. Supreme Court, public access to areas within enclosed facilities owned, controlled, and leased by the Township may be restricted depending upon whether such areas are classified as "designated public forum", "limited designated public forum", or "nonpublic forum". How areas within enclosed facilities owned, controlled, and leased by the Township of Larkin are classified is based upon their intended use. For example, there are certain areas which are intended primarily for the use of Township employees in the conduct of their business; there are certain areas which, while primarily intended for the use of Township employees in the conduct of their business, may from time to time be utilized for the convening of public meetings; there are certain limited areas which may be open to the public while engaging in legitimate business with Township officers or employees; and there may be certain areas which are primarily intended for the convening of public meetings.

Section 2. Classification of Township Facilities.

- (a) The Township Board Meeting Room in the Township Office and the Township Hall are hereby declared to be nonpublic forums unless or until a public meeting is convened in such areas pursuant to public notice. All Township employees work areas within the Township Office and the Township Hall which are designated by appropriate signage as work areas or as "Authorized Personnel Only" shall be considered as nonpublic forums. Members of the public are prohibited from entering Township employee work areas without being escorted by a Township employee. All other areas of the Township Office and Township Hall are hereby designated as limited public forums and only persons who are present to engage in legitimate public business with Township officers or employees shall be authorized. It shall be a violation of this Ordinance to be within a nonpublic forum or a limited public forum without authorization. Unauthorized persons found by a Township officer or employee to be within a nonpublic forum or a limited public forum and who refuse to leave the premises upon request, shall be considered a trespasser and may be removed by law enforcement personnel or be subject to civil and criminal penalties for trespassing.
- (b) The Township Supervisor is hereby authorized to manage public access to enclosed Township-owned, controlled, and leased property other than the Township Office and Township Hall. In the performance of such responsibilities, the Township Supervisor shall have the authority to identify which areas are to be considered designated public forum, limited designated public forum, or nonpublic forum.
- (c) Upon the classification of areas within enclosed Township-owned, controlled, and

leased property, the Township Supervisor is hereby authorized, subject to the availability of appropriated funds, to employ whatever means he or she deems necessary and appropriate to separate designated public forums from nonpublic forums, including, but not limited to the use of physical barriers and signage. The Township Supervisor shall also have the authority to develop and implement procedures to regulate and control public access within Township-owned, controlled, and leased property to provide for the security and privacy of public visitors; to provide for the security and privacy of Township employees and officers; and to minimize potential disruptions to the work of Township government. Any person who engages in conduct that causes disruptions to the work of Township government shall be deemed to no longer be present within the Township-owned, controlled, or lease property on legitimate public business.

Section 3. Prohibited Conduct.

- (a) Except within the Township Board Meeting Room, conference rooms, and other locations in which a public meeting is being conducted pursuant to a public notice, it shall be unlawful and a violation of this Ordinance, to record video and/or sound within Township-owned, controlled, and leased property, without the consent of all persons whose voice or image is being recorded. This prohibition shall not apply to any law enforcement activities. In addition to being a violation of this Ordinance, if anyone who is observed to be recording video and/or sound within Township-owned, controlled, or leased property, without the consent of all persons whose voice or image is being recorded, and such person refuses to cease activity after being advised that such activity is prohibited under this Ordinance, such refusal shall be considered to be a disruption to the work of Township government. Therefore, such persons shall be deemed to no longer be present within the Township-owned, controlled, or leased property on legitimate public business. The highest-ranking Township officer or employee then present is hereby authorized on behalf of the Township to request any person who refuses to cease the unconsented video and/or sound recording to immediately leave the premises. Any person who refuses to cease the unconsented to video and/or sound recording, and refuses to immediately leave the premises following such a request shall be considered as a trespasser and may be removed by law enforcement personnel or be subject to civil and criminal penalties for trespassing.
- (b) The Township Supervisor and his or her designees may have cause to remove any person they determine:
 - (1) Acts in any manner which violates or is reasonably suspected to violate any federal, state or local law, ordinance, rule or regulation; or
 - (2) Acts in any manner which violates any Township rules or policy, including but not limited to the Facility Rules; or any directive on any sign or notice at the public property.

The Township Supervisor and his or her designees are hereby authorized on behalf of the Township to warn persons of this prohibited activity and request such

activity to cease. Law enforcement personnel, at their option, at the request of the Township may remove trespassers from Township premises for these violations of conduct.

- (c) The Township Supervisor and his or her designees are hereby authorized on behalf of the Township to warn persons who have entered into or remain in areas where they are not authorized to be, and to request such persons to depart. The Township Supervisor and his or her designees are hereby authorized to call upon law enforcement personnel to treat as trespassers any persons who refuse to depart after such a request has been made. Any person who refuses to depart after such a request has been made shall be considered a trespasser and may be removed by law enforcement personnel or be subject to civil and criminal penalties for trespassing.

Section 4. Facility Rules.

The following conduct is prohibited within the interior spaces of all Township-owned controlled, and leased buildings of the Township of Larkin:

- (d) Engaging in any conduct prohibited by federal, State of Michigan, or Township of Larkin, Midland County law.
- (e) Smoking, chewing tobacco, use of e-cigarettes or vaping devices, or carrying any lighted or smoldering pipe, cigar, or cigarette.
- (f) Disruptive, harassing or unsafe behavior, including conduct which interferes with Township employees or Township officials in the performance of their duties, or interferes with the proper use of the Township facility by others.
- (g) Abusive or harassing behavior, including use or display of obscene language, gestures, or graphics.
- (h) Blocking entrances, exits, fire exits, access areas, or otherwise interfering with the provision of services or the use of Township property.
- (i) Entering or remaining in nonpublic areas without authorization. Areas inside Township buildings, including offices, hallways, stairways, and elevators are open to the public only to the extent necessary to attend to Township business, or attending a Township-authorized function, event, or activity to which the person is an invitee, or attending a duly noticed public meeting. Otherwise, such areas are deemed nonpublic areas.
- (j) Any act which could result in substantial risk of harm to persons or property.
- (k) Disrupting Township business, events, or other Township sponsored or authorized activities.
- (l) Leaving unattended packages, backpacks, luggage, or other personal items. Any such items are subject to immediate confiscation.
- (m) Laying down or sleeping in chairs, benches, or otherwise.

- (n) Possession of illegal drugs.
- (o) Posting or affixing to Township property without permission from the Township Supervisor or his her designee any signs, leaflets, posters, flyers, pamphlets, brochures, and written, pictorial or graphic material of any kind.
- (p) Tampering with or unauthorized use of building or facility systems or devices, including electrical, plumbing, locks, doors or cameras.
- (q) Audio and/or video recording anywhere inside of Township buildings except during duly noticed public meetings, or as otherwise approved by the Township Supervisor or his or her designee. Except as otherwise approved by the Township Supervisor or his or her designee, audio and/or video recording may only be conducted within the Township Board Meeting Room, and any room, or office within which said activity has been authorized by law. Any person found to be conducting audio and/or video recording except as authorized by herein, must cease doing so immediately if any visitor, Township employee or Township official expresses his or her desire not to be recorded. This rule does not apply to audio and/or video recording performed by authorized law enforcement personnel engaged in the performance of their official duties. Audio and/or video recording of public meetings must be undertaken in a quiet and orderly manner so as not to interfere with the conduct of the meeting, block the view of any person attending the public meeting, or block any aisle, row, ingress or egress.
- (r) Remaining in a Township building after posted hours of operation or after the conclusion of an authorized "after hours" public meeting or event.

Section 5. Violators May be Removed as Trespassers.

If a person fails to cease conduct specifically prohibited above after a request by Township staff to do so, that person shall be considered a trespasser and may be removed by law enforcement personnel or be subject to civil and criminal penalties for trespassing.

Section 6. Ordinance and Signage to be Posted.

A copy of the foregoing Ordinance shall be posted in close proximity to all public entrances of Township-owned, controlled, and leased buildings. Subject to budgetary approvals, the Supervisor or his or her designee is authorized to post signage advising of the rules and regulations contained herein in Township facilities as he or she deems appropriate and necessary.

Section 7. Effective Date.

This Ordinance shall become effective as of date it is published in a newspaper of general circulation within the Township.

Adopted July 11, 2023. Effective July 17, 2023.