

Code of Criminal Misdemeanor Offenses

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ARTICLE 1. IN GENERAL

Sec. 395.750.240. False alarms, Misuse of the 911 Emergency Call System, and False reports of a crime.

1. False Alarms.

- (a) Regulation. It shall be unlawful for any person to knowingly start or spread any false alarm of fire, riot, explosion, civil disturbance, crime or other breach of the peace within the Township.
- (b) Prohibition. It shall be unlawful for any person to report the existence of a fire or other emergency to the police, fire department or any other agency empowered to deal with an emergency when such person knows the report to be false. It shall be unlawful for any person to report or cause to be reported to any police agency any information concerning the commission of any offense or other incident which would require police action when such person knows that no such offense or other incident has occurred, or when such person knows the information is false, or that such person has no such reliable information.
- (c) Reports of bombs or other hazards. It shall be unlawful for any person to knowingly give false information to the effect that a bomb will be exploded or that any other serious hazard exists in any public conveyance, church, school, theater, auditorium, assembly hall, factory, warehouse, industrial, commercial or residential building, or any other place used for public gatherings.
- (d) Security systems. Any person, firm or corporation having a burglar, holdup or other type of intrusion alarm which communicates a false alarm to the Kalamazoo Township Police Department and which is responded to by said police department shall be charged a fee for the same as established by resolution of the Township Board duly adopted at a regular or special meeting of said Board and entered in the official records of the Township Clerk. Such resolution may be amended from time to time by action of the Township Board to reflect changes in costs to the Township and other policy considerations.
- (e) Fire alarm systems. Any person, firm or corporation having a fire alarm system which communicates a false alarm to the Kalamazoo Township Fire Department and which is responded to by said fire department shall be charged a fee for the same as established by resolution of the Township Board duly adopted at a regular or special meeting of said Board and entered in the official records of the Township Clerk. Such resolution may be amended from time to time by action of the Township Board to reflect changes in costs to the Township and other policy considerations.
- (f) Use of telephone or electronic device in reporting false alarms. It shall be unlawful for any person, firm or corporation to use or cause to be used any telephone or electronic device or attachment that automatically selects a public primary telephone trunk line of the Township police or fire department, or any other Township department, and upon connection thereto reproduces any pre-recorded message to report any burglary, fire alarm or other emergency.

2. Misuse of the 911 Emergency Call System.

- (a) It shall be unlawful for any person to misuse the 911 system. It shall be an affirmative defense that the person charged has a good faith, reasonable factual basis for the request. "Misuse of the 911 system" or "Emergency Call System" is a request for emergency response when no actual emergency exists and when the caller does not have a good-faith basis to request emergency assistance.

3. False Reports of a Crime.

- (a) No person shall intentionally make a false report of the commission of a crime, or intentionally causes a false report of the commission of a crime to be made, to a peace officer, the Kalamazoo Township Police Department, the Kalamazoo Township 9-1-1 and/or dispatch operator, or any other Kalamazoo

Township employee or contractor or employee of a contractor who is authorized to receive reports of a crime.

State law reference(s)—False fire alarms, MCL 750.240, MSA 28.437; false reports of crime, MCL 750.411a, MSA 28.643(1).

Sec. 395.640. Litter.

1. *Definitions: As used in this part:*

- (a) *"Litter" means any of the following:*
 - (i) *Rubbish, refuse, waste material, garbage, offal, paper, glass, cans, bottles, trash, debris, or other foreign substances.*
 - (ii) *A vehicle that is considered abandoned under section 252a of the Michigan vehicle code, 1949 PA 300, MCL 257.252a.*
 - (iii) *An abandoned vessel as defined in section 80130f.*
 - (iv) *An ORV that is considered abandoned under section 80130f as made applicable in section 81151.*
 - (v) *A snowmobile that is considered abandoned under section 80130f as made applicable in section 82161.*
- (b) *"Public or private property or water" includes, but is not limited to, any of the following:*
 - (i) *The right-of-way of a road or highway, a body of water or watercourse, or the shore or beach of a body of water or watercourse, including the ice above the water.*
 - (ii) *A park, playground, building, refuge, or conservation or recreation area.*
 - (iii) *Residential or farm properties or timberlands.*
- (c) *"Vehicle" means a motor vehicle registered or required to be registered under the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923.*
- (d) *"Vessel" means a vessel registered under part 801.*

2. *Violation:*

- (a) *A person shall not knowingly, without the consent of the public authority having supervision of public property or the owner of private property, dump, deposit, place, throw, or leave, or cause or permit the dumping, depositing, placing, throwing, or leaving of, litter on public or private property or water other than property designated and set aside for such purposes.*
- (b) *A person who removes a vehicle that is wrecked or damaged in an accident on a highway, road, or street shall remove all glass and other injurious substances dropped on the highway, road, or street as a result of the accident.*

State Law Reference—Litter, MCL 394.8901; 394.8902

Sec. 395.750.81. Assault and battery.

- (a) *Restriction. Any person who assaults or assaults and batters an individual or who makes a disturbance in any business place, public building or grounds, or other place open to the public, or who aids or abets in any of the above acts, shall be guilty of a misdemeanor*

State law reference(s)—Assaults, MCL 750.81 et seq., MSA 21.276 etseq.

Sec. 395.750.356. Larceny.

No person shall take or steal money, goods, chattels or other things of value belonging to another.

State law reference(s) - Larceny, MCL 750.356 (property) & 750.356a (motor vehicles)

Sec. 395.750.356d. Retail fraud.

While in a store open to the public or in its immediate vicinity, no person shall:

- (1) Alter, transfer, remove and replace, conceal or otherwise misrepresent the price at which property is offered for sale, with intent not to pay for the property or to pay less than the price at which the property is offered for sale;
- (2) Steal property of the store that is offered for sale; or
- (3) With intent to defraud, obtain or attempt to obtain money or property from the store as a refund or exchange for property that was not paid for and belongs to the store.

State law reference(s)— Retail fraud, MCL 750.356d.

Sec. 395.750.535. Receiving and concealing stolen property.

No person shall receive, possess, conceal or aid in the concealment of stolen, embezzled or converted money when knowing that the money, goods or property is stolen, embezzled or converted.

State law reference(s)—Similar provisions, MCL 750.535, MSA 28.803.

Sec. 395.767.39. Aiding and abetting offense.

Every person concerned in the commission of an offense under this Section, whether they directly commit the act constituting the offense or procure, counsel, aid or abet in its commission, may be prosecuted, indicted, tried and on conviction shall be punished as if they had directly committed such offense.

State law reference(s)—Abolition of distinction between accessory and principal, MCL 767.39, MSA 28.979.

Sec. 395.750.92. Attempt to commit offense.

Any person who shall attempt to commit an offense prohibited by this Section, and in such attempt shall do any act towards the commission of such offense, but shall fail in the perpetration, or shall be intercepted or prevented in the execution of the offense, shall be guilty of a misdemeanor if the attempt involved an offense designated as a misdemeanor, and shall be responsible for a civil infraction if the attempt involved an offense designated as a civil infraction.

State law reference(s)—Similar provisions, MCL 750.92, MSA 28.287.

Sec. 395.01. Penalties.

Unless otherwise provided, a person who violates Article 1 or fails to comply with any of the provisions of Article 1 is guilty of a misdemeanor and shall be fined not more than \$500.00 or imprisoned not more than 90 days, or both, for each offense.

ARTICLE 2. OFFENSES AGAINST PROPERTY RIGHTS

Sec. 395.750.552. Trespass.

- (a) Any person who willfully enters upon the lands or premises of another without lawful authority, after having been forbidden to do so by the owner, occupant or agent of either, or any person being upon the lands or premises of another, upon being notified to depart therefrom by the owner, occupant or agent of either, who, without lawful authority, neglects or refuses to depart therefrom shall be guilty of a misdemeanor. Posting of the premises against trespassing in a conspicuous manner shall constitute notice under the foregoing provision.

State law reference(s)—Trespassing generally, MCL 750.552 et seq., MSA 28.814 et seq.

Sec. 395.750.115. Illegal entry.

No person shall enter any building or structure of another not open to the general public without first obtaining permission to enter from the owner, occupant or person having immediate control thereof.

State law reference(s)—Trespassing generally, MCL 750.115.

Sec. 395.750.377a. Damaging property.

It is a violation of this Section for any person to:

- (1) Willfully destroy, damage or in any manner deface any property not his or her own; any public school building or part of any public school building, or any equipment or furnishings thereof or therein; any public or private building or part of any public or private building, or any equipment or furnishing thereof or therein; or any bridge, fire hydrant, alarm box, streetlight, street sign, parking meter or shade tree belonging to the Township or located in a public place in the Township.
- (2) Mark or post handbills on, or in any manner mar the walls of a public building or any fence, tree or pole in a public place within the Township.
- (3) Destroy, take or meddle with any property belonging to the Township, or remove such property from the building or place where it may be kept, placed or stored, without authority from the board or another authorized official custodian of such property.

State law reference(s)—Malicious mischief generally, MCL 750.377a et seq., MSA 28.609 et seq.

Sec. 395.750.394. Throwing objects at vehicles.

No person shall throw any object at a vehicle which is traveling, parked or standing in a public place.

State law reference(s)—Throwing stone or other dangerous object at a train or automobile, MCL 750.394, MSA 28.626

Sec. 395.750.382. MDP trees, yards, shrubs.

Any person who enters any enclosed or unenclosed flower garden, vegetable garden or orchard in the Township without the consent of the owner or tenant or his agent and, while there, cuts down, injures, damages, destroys, eats or carries away any portion of such garden or orchard including any growing thing, crop, tree, timber, grass, seed, soil, fertilizer, water, tool implement, fence or other protective device or any other thing useful for the development, cultivation, maintenance and use of any such garden or orchard..

State law reference(s)—Destruction of trees and shrubs, MCL 750.382, MSA 28.614.

Sec. 395.02. Penalties.

Unless otherwise provided, a person who violates or fails to comply with any of the provisions of Article 2 is guilty of a misdemeanor and shall be fined not more than \$500.00 or imprisoned not more than 90 days, or both, for each offense..

ARTICLE 3. OFFENSES AGAINST PUBLIC PEACE AND ORDER

Sec. 395.750.167.01 Disturbing the Peace.

No person shall:

- (a) Create or engage in any disturbance, fight or quarrel in a public place.
- (b) Create or engage in any disturbance, fight or quarrel that causes or tends to cause a breach of the peace.
- (c) Cause or make any unusual or unnecessary loud noise, shouting, or yelling of such volume or of such a nature as to cause annoyance to persons of ordinary sensibility, or otherwise disturb the public peace and quiet.
- (d) Disturb without lawful authority any lawful assembly or meeting of persons.
- (e) Engage in, participate in or attempt to engage in or participate in a riot.
- (f) Incite, cause or attempt to incite or cause a riot.

Use threatening, abusive, profane or indecent language likely to cause annoyance, disturbance or vexation to persons of ordinary sensibility, or likely to provoke another to fight.

State law reference(s), MCL 750.167.

Sec. 395.324. Anti-noise and public nuisance.

(a) Definitions. The following terms used in this Section are defined as follows:

- a. "Decibel" is a unit to express the magnitude of sound pressure and sound intensity. The difference in decibels between two sound pressures is 20 times the common logarithm of their ratio. In sound pressure measurements, the sound pressure level of a given sound is defined to be 20 times the common logarithm of the ratio of that sound pressure to a reference pressure of 2×10^{-5} N/m² (Newtons per meter squared). As an example of the effect of this formula, a three decibel change in the sound pressure level corresponds to a doubling or halving of the sound intensity, and a ten-decibel change corresponds to a tenfold increase or decrease to 1/10th the former intensity.
- b. "dB(A)" means the sound pressure level in decibels measured on the "A" scale of a standard sound level meter having characteristics defined by the American National Standards Institute, Publication ANSI S1.4-1971.

(b) Anti-noise regulations.

- a. General regulation. No person, firm or corporation shall cause or maintain any unreasonably loud noise or disturbance, injurious to the health, peace or quiet of the residents and property owners of the Township.
- b. Specific violations. The following noises and disturbances are hereby declared to be a violation of this Section; provided, however, that the specification of the same is not thereby to be construed to exclude other violations of this Section not specifically enumerated:
 - i. The playing of any radio, phonograph, television, or other electronic or mechanical sound producing device including any musical instrument, in such a manner or with such volume as to unreasonably upset or disturb the quiet, comfort or repose of other persons.
 - ii. Yelling, shouting, hooting or singing on the public streets between the hours of 10:00 P.M. and 7:00 A.M., or at any time or place so as to unreasonably upset or disturb the quiet, comfort or repose of any persons in the vicinity.
 - iii. The emission or creation of any excessive noise which unreasonably interferes with the operation of any school, church, hospital or court.
 - iv. The keeping of any animal, bird or fowl, which emanates frequent or extended noise which shall unreasonably disturb the quiet, comfort or repose of any person in the vicinity; such as allowing or permitting any dog to bark repeatedly in an area where such barking can be clearly heard from nearby residential property.

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- v. The operation of any automobile, motorcycle or other vehicle so out of repair or loaded or constructed as to cause loud and unnecessary grating, grinding, rattling, or other unreasonable noise including the noise resulting from exhaust, which is clearly audible from nearby properties and unreasonably disturbing to the quiet, comfort or repose of other persons. The modification of any noise abatement device on any motor vehicle or engine, or the failure to maintain same so that the noise emitted by such vehicle or engine is increased above that emitted by such vehicle as originally manufactured shall be in violation of this section.
 - vi. The sounding of any horn or other device on any motor vehicle unless necessary to operate said vehicle safely or as required by the Michigan Motor Vehicle Code.
 - vii. The discharging outside of any enclosed building of the exhaust of any steam engine, internal combustion engine, motor vehicle, or motor boat engine except through a muffler or other similar device which will effectively prevent loud or explosive noises. The modification of any noise abatement device on any motor vehicle or engine, or the failure to maintain same so that the noise emitted by such vehicle or engine is increased above that emitted by such vehicle as originally manufactured shall be in violation of this section.
 - viii. The erection, excavation, demolition, alteration or repair of any building or premises in any part of the Township, and including the streets and highways, in such a manner as to emanate noise or disturbance unreasonably annoying to other persons, other than between the hours of 7:00 A.M. and sundown on any day, except in cases of urgent necessity in the interest of public health and safety. In such case, a permit shall be obtained from the building inspector or ordinance enforcement officer of the Township, which permit shall limit the periods that the activity may continue.
 - ix. The creation of a loud or excessive noise unreasonably disturbing to other persons in the vicinity in connection with the operation, loading or unloading of any vehicle, trailer, railroad car, or other carrier or in connection with the repairing of any such vehicle in or near residential areas.
 - x. The use of any drum, loudspeaker or other instrument or device for the purpose of attracting attention to any performance, show, sale, display or other commercial purpose which, by the creation of such noise, shall be unreasonably disturbing to other persons in the vicinity
 - xi. The operation of any loudspeaker or other sound amplifying device upon any vehicle on the streets of the Township with the purpose of advertising, where such vehicle, speaker or sound amplifying equipment emits loud and raucous noises easily heard from nearly adjoining residential property
 - xii. The operation of any machinery, equipment or mechanical device so as to emit unreasonably loud noise which is disturbing to the quiet, comfort or repose of any person
 - xiii. The operation of any race track, proving ground, testing area or obstacle course for motor vehicles, motorcycles, boats, racers, automobiles or vehicles of any kind or nature in any area of the Township where the noise emanating therefrom would be unreasonably disturbing and upsetting to other persons in the vicinity. Under no circumstances shall any race track, proving ground, testing area or obstacle course operate after 11:00 P.M. on any evening.
- (c) Anti-noise regulations based upon dB(A) criteria. In order to regulate and prove violations occurring under subsection (b) of this Section, any noise in excess of the maximum decibel limits according to the regulations stated below is deemed to be in violation of this Ordinance. However, violations under subsection (b) above but which have no decibel determination available shall nevertheless be deemed violations of this Ordinance.

- a. Regulations for decibel measurement of noise originating from private properties. Noise radiating from all properties or buildings, as measured at the boundaries of that portion of the property under separate occupancy, which is in excess of the dB(A) established for the districts and times herewith listed shall constitute prima facie evidence that such noise unreasonably disturbs the comfort, quiet, and repose of persons in the area and is therefore in violation of this Ordinance. Violations shall exist when the source or sources of noise are identifiable and the levels emanating from the source or sources exceed the following limitations. As an example, such noise shall include that emitting from the production, processing, cleaning, servicing, testing, repairing and manufacturing of materials, goods or products, including vehicles.

Zoning District	Limitations 7 AM to 10 PM	Limitations 10 PM to 7 AM
Residential (and any area within 500 feet of a hospital regardless of zoning district and agricultural districts located within 500 feet of any dwelling under separate ownership).	55 dB(A)	50 dB(A)
Agricultural, where at least 500 feet from any dwelling under separate ownership and Commercial	65 dB(A)	55 dB(A)
Industrial	80 dB(A)	75 dB(A)

Harmonic or pure tones, and periodic or repetitive impulse sound shall be in violation when such sounds are at a sound pressure level of 5 dB(A) less than those listed above. Where property is partly in two zoning districts or adjoins the boundary of a zoning district, the dB(A) levels of the zoning district of the property where the noise is emanating shall control.

The following exceptions shall apply to these regulations under this [Section Number], subsection a:

- i. Construction projects shall be subject to the maximum permissible noise levels specified for industrial districts as long as a valid building permit has been issued by the Township and is currently in effect.
- ii. All railroad operations shall be subject to the maximum permissible noise levels allowed in industrial districts, regardless of the zone where they are located.
- iii. Noises occurring between 7:00 A.M. and sundown caused by home or building repairs or from maintenance of grounds are excluded, provided such noise does not exceed the limitations specified in subsection (c)(a) of this Section by more than 20dB(A).
- iv. Any commercial, agricultural or industrial use of property which exists now or in the future as a legal non-conforming use (as defined in the Township Zoning Ordinance) in a higher zoning classification shall be allowed to emit noises in excess of these limitations for the particular zoning classification where such use is located, providing that such noise does not exceed either of the following limitations:
 1. The noise level emitted by such use at the time it became a legal nonconforming use as a result of the enactment of the Township Zoning Ordinance or amendment thereto, if available.
 2. The limitations contained herein based upon such a use being located in the highest zoning district (either commercial and agricultural or industrial) where such a use is specifically allowed as a permissible use.

- b. Regulations for decibel measurement of motor driven vehicles on public roads. All noise emitted from motor driven vehicles upon public roads shall be measured whenever Page 95 of 269 possible at a distance of at least 50 feet or 15 meters from a noise source located within the public right-of-way. If measurement at 50 feet (15 meters) is not feasible, measurement may be made at 25 feet (7½ meters) and if this is done, six dB(A) shall be added to the limits provided below. All such noises in excess of the dB(A) as provided herein shall be prima facie evidence that such noise unreasonably disturbs the comfort, quiet, and repose of persons in the area and is therefore in violation of this Section.

Vehicle	Weight	dB(A) Maximum Limitation
Trucks and Buses	Over 10,000 lbs. Gross Weight	82 dB(A)
Trucks and Buses	Under 10,000 lbs. Gross Weight	74 dB(A)
Passenger Cars	Any Weight	74 dB(A)
Motorcycles, snowmobiles & minibikes	Any Weight	82 dB(A)
All other self-propelled motor vehicles	Any Weight	74 dB(A)

- c. Measurement of noise. All measurements of dB(A) according to subparagraphs (a) and (b) of this Section shall be made by using a sound level meter of standard design and operated on the "A" weight scale, with "slow" meter response.
- (d) General exceptions. The prohibitions hereinbefore enumerated shall not apply to the following general exceptions:
- a. Any police vehicle, ambulance, fire engine or emergency vehicle while engaged in necessary emergency activities.
 - b. Excavation or repair of bridges, streets or highways or other property by or on behalf of the State of Michigan, County of Kalamazoo, or any municipal governmental body, between sundown and 7:00 A.M. when the public welfare, safety, and convenience render it impossible to perform such work during other hours.
 - c. Warning devices emitting sound for warning purposes as authorized by law.
 - d. Noises emanating from the discharge of firearms are excluded, providing the discharge of the firearms was authorized under Michigan law and all local ordinances.
 - e. Any activity or function sanctioned or conducted by a governmental unit, public school, or a private school properly licensed by the State of Michigan.
 - f. The Township Board shall have authority to grant permits for short-term outdoor recreational or holiday activities generating noise in excess of the limits set forth in this Section. In determining whether or not to grant any such permit, the Township Board shall consider the duration of the proposed activity, the level of noise likely to be generated by it, the times of day during which such noise is likely to be generated, and the nature of the area surrounding the site of the proposed activity. In granting any permit hereunder, the Township Board shall have the right to impose reasonable terms and conditions designed to minimize any adverse impact of the proposed activity on the surrounding area.
- (e) Public nuisance regulations. No person, firm or corporation shall create, cause or maintain any public nuisance within the Township by the unreasonable emission of dust, smoke, fly ash or noxious odors which are offensive or disturbing to adjacent property owners and residents or persons in the area.

Sec. 395.123.1104. Discharge of firearms and pneumatic guns.

(a) Purpose. The purpose of this section is to secure and maintain the public peace, health, safety, welfare and convenience of the residents and property owners of the Township by the regulation of the use of pneumatic guns, pistols, firearms, bows and arrows, cross bows, and other devices capable of expelling a projectile in the Township and the approval of pistol and other firearms ranges.

(b) Definitions. As used in this section:

- (1) Approved range means a range for the shooting of pistols and other firearms, constructed in such manner as to prevent the projectile from any weapon so fired on such range from exceeding the physical limits of such range.
 - (2) Building, structure and edifice mean a space within walls and usually, but not necessarily, covered with a roof.
 - (3) Firearm means any weapon which will, is designed to, or may readily be converted to expel a projectile by action of an explosive.
 - (4) Pistol means that term as defined in section 222 of the Michigan penal code, 1931 PA 328, MCL 750.222.
 - (5) Pneumatic gun means any implement, designed as a gun, that will expel a BB or pellet by spring, gas, or air. Pneumatic gun includes a paintball gun that expels by pneumatic pressure plastic balls filled with paint for the purpose of marking the point of impact.
 - (6) Bow means a device for propelling an arrow from a string drawn, held, and released by hand if the force used to hold the string in the drawn position is provided by the archer's muscles.
 - (7) Crossbow means a weapon consisting of a bow, with a draw weight of 100 pounds or more, mounted transversely on a stock or frame and designed to fire an arrow, bolt, or quarrel by the release of a bow string controlled by a mechanical or electric trigger with a working safety.
 - (8) Other device capable of expelling a projectile means a device other than a firearm, pistol, or pneumatic gun from which is propelled a missile, projectile, pellet or other mass by means of springs, rubber, elastic strip, levers or other mechanical devices.
- (c) Discharge of pistols and other firearms prohibited; exceptions. No person shall discharge a pistol or other firearm in or into the Township except as follows:
- (1) An authorized officer of the law may discharge a pistol or other firearm in the performance of their official duties.
 - (2) When permitted by law, a person may discharge a pistol or other firearm for the protection of a human life.
 - (3) A person may discharge a firearm with a load of shot shell only for skeet, trap or target practice purposes in a safe manner upon a range which has been approved by the board for such purpose.
 - (4) A person may discharge a firearm for the hunting of game and birds in season as prescribed by the Natural Resources and Environmental Protection Act (MCL 324.101 et seq., MSA 13A.101 et seq.) in those areas owned by the state and controlled by the state department of environmental quality or state department of natural resources.
 - (5) A person may discharge a firearm at any time for the purpose of preventing depredation to property by birds or other animals in accordance with the provisions of the Natural Resources and Environmental Protection Act (MCL 324.101 et seq., MSA 13A.101 et seq.).
- (d) Firearms ranges. No pistol or other firearms practice range may be used in the Township unless approved by the board upon the recommendation of the director of the department of public safety; provided, however, that such range is so constructed as to prevent the discharge of a shotgun with a load of shot shell from exceeding the limits of such range. Use of a firearm other than a shotgun with a load of shot shell shall be grounds for withdrawal of the approval for such range.

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- (e) Minors. No person under the age of 18 years shall discharge a pistol or other firearm in the Township unless under the direct supervision and control of and accompanied by a parent, legal guardian or other adult person authorized by such parent or legal guardian to have direct supervision of the person under the age of 18 years. However, every parent, guardian or other person having the physical custody or charge of a minor under the age of 18 years shall control such minor and prevent them from violating or attempting to violate any of the provisions of this section.
 - (f) Possession of pneumatic gun, bow, crossbow, or, other device capable of expelling a projectile by individual below the age of 18. An individual below the age of 16 may not possess a pneumatic gun bow, crossbow, or, other device capable of expelling a projectile unless he or she is under the supervision of a parent, a guardian, or an individual 18 years of age or older, except that an individual below the age of 18 may possess a pneumatic gun on or within private property within the Township if the individual below the age of 18 is authorized to possess the pneumatic gun by a parent or guardian and the property owner or legal possessor of the property.
 - (g) Discharge of pneumatic guns, bows, crossbows, or, other devices capable of expelling a projectile prohibited; exceptions. The discharge of pneumatic guns, bows, crossbows, or, other devices capable of expelling a projectile is prohibited in any area within the Township that is so heavily populated as to make that conduct dangerous to the inhabitants of that area, except that the discharge of pneumatic guns, bows, crossbows, or, other devices capable of expelling a projectile is not prohibited within the Township at authorized target ranges, on other property where firearms may be discharged, or on or within private property with the permission of the owner or possessor of that property if conducted with reasonable care to prevent a projectile from crossing the bounds of the property.
 - (h) No person may point, wave about, or display a pneumatic gun, bow and arrow, crossbow, or, other device capable of expelling a projectile in a threatening manner with the intent to induce fear in another individual within the Township.

State law reference(s)—Weapons generally, MCL 750.222 et seq., MSA 28.419 et seq.; preemption of regulation of firearms and ammunition, MCL 123.1102, MSA 5.3415(2); authority to prohibit discharge of firearms preserved, MCL 123.1104, MSA 5.3415(4); Careless, reckless, or negligent use of firearms, MCL 752.863a.

Sec. 395.750.167.02. Public intoxication.

No person shall be intoxicated or under the influence of any controlled substance while in a public place when endangering directly the safety of another person or property.

State law reference(s)—Intoxication in public place while endangering directly the safety of another person or of property or acting in a manner that causes a public disturbance, MCL 750.167(1)(e), MSA 28.364, (1)(e); ordinances prohibiting being a common drunkard or being incapacitated prohibited unless consistent with MCL 750.167, 333.6523, MSA 28.364, 14.15(6523).

Sec. 395.750.167.03. Crowding or jostling persons in public place.

No person shall jostle or roughly crowd persons unnecessarily in a public place.

State law reference(s)—Similar provisions, MCL 750.167, (1)(l), MSA 28.364(1)(l).

Sec. 395.200. Nuisance Parties.

Prohibited Conduct. Persons in attendance at Nuisance Parties. Any person who is in attendance at a nuisance party whether or not such person has any possessory control over the personal or real property, shall be deemed to have committed a violation of this Section.

1. Nuisance Party means a gathering or party, whether static or mobile, conducted on any public or private property within the Township and which, by reason of the conduct of those persons in attendance, results in any one or more of the following conditions or events occurring on public or private property:

- A. The unlawful sale, furnishing, possession, or consumption of alcoholic beverages;

- B. Urination or defecation on neighboring public or private property, or on the premises in view of another person;
- C. Unlawful deposit of trash or litter;
- D. Destruction of property;
- E. Unlawful vehicular traffic, or the unlawful stopping, standing or parking of vehicles, obstruction of the free flow of traffic or interference with the ability to render emergency services;
- F. Unlawful parking of vehicles within the public streets, alleys, or sidewalks, or upon private property;
- G. Unreasonably loud noise under the circumstances which disturbs the comfort, quiet or repose of one or more members of the neighborhood or public;
- H. Conduct or a condition which injures any person;
- I. Conduct or a condition which endangers the safety of persons or property in the neighborhood;
- J. Conduct or a condition which results in the indecent exposure of a person, or the display of graphic sexual behavior, whether real or simulated, to a member of the public not attending a nuisance party;
- K. Unlawful sale, furnishing, manufacture, use, or possession of a controlled substance as defined by federal or state law.

2. Verbal Warning. A verbal warning by a Kalamazoo Township Police Officer may be given to the owner or occupant of any nuisance party of an alleged violation of this ordinance before a citation may be issued.

Sec. 395.300. Spitting in public carrier or in place of public assemblage.

No person shall spit on the floor or seat of any public carrier or on a floor, wall, seat or equipment of any place of public assemblage.

Sec. 395.03. Penalties.

Unless otherwise provided, a person who violates or fails to comply with any of the provisions of Article 3 is guilty of a misdemeanor and shall be fined not more than \$500.00 or imprisoned not more than 90 days, or both, for each offense.

ARTICLE 4. OFFENSES AGAINST PUBLIC MORALS

Sec. 395.750.335a. Public Nudity & Indecent Exposure.

1. Public Nudity

(a) Regulation.

- a. No person shall knowingly or intentionally display, in a public place located within the Township of Kalamazoo, Kalamazoo County, Michigan, their genitals or anus unless a fully opaque material covers their genitals and/or anus, or any female individual's breasts with less than a fully opaque covering of the nipple and areola.
- b. No person shall knowingly or intentionally provide for and/or promote or participate in the display in a public place located within the Township of Kalamazoo, Kalamazoo County, Michigan, of any individual's genitals and/or anus unless a fully opaque material covers such individual's genitals and/or anus, or any female individual's breasts with less than a fully opaque covering of the nipple and areola.

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- c. For purposes of Subsection (a)(b) of this Section, providing for, promoting or participating in the display in a public place located within the Township of Kalamazoo, Kalamazoo County, Michigan of any individual's genitals or anus without an opaque covering, includes public displays for money or items of value or promise of the same by any person, firm or other entity including but not limited to, payment or promise of payment of an admission fee.
 - d. Breastfeeding of a child or expressing breast milk does not constitute a display of public nudity under this section regardless of whether or not their areola or nipple is visible during or incidental to the breastfeeding or expressing of breast milk.

2. Indecent Exposure.

- (a) No person shall knowingly make any open or indecent exposure of his or her person or of the person of another in any public place or within public view.
- (b) A mother's breastfeeding of a child or expressing breast milk does not constitute indecent or obscene conduct under subsection (1) regardless of whether or not her areola or nipple is visible during or incidental to the breastfeeding or expressing of breast milk.

State law reference(s)—Indecent exposure, MCL 750.335a; nudity in places serving alcoholic liquor for on-premises consumption, MCL 436.1916, MSA 18.1175(916).

Sec. 395.750.167.04 Frequenting or operating place where illegal or immoral business is conducted.

No person shall attend, frequent, operate or be an occupant of any place where prostitution, gambling, the illegal sale of intoxicating liquor, controlled substance, drug house, or any other illegal or immoral business or occupation is permitted or conducted.

State law reference(s)—Loitering where illegal occupation or business conducted, MCL 750.167(1)(j), MSA 28.364, (1)(j); loitering where prostitution or lewdness conducted, MCL 750.167(1)(i), MSA 28.364, (1)(i).

Sec. 395.750.167.05 Window peeping.

No person shall engage in window peeping under circumstances that would violate a person's reasonable expectation of privacy.

State law reference(s)—Window peeping as disorderly, MCL 750.167(1)(c),

Sec. 395.400. Prowling

- (a) It shall be unlawful for a person to do any of the following:
 1. Prowl about the premises of another, in the nighttime, without authority or permission of the owner of such premises or without authority or permission of the lawful occupants of the premises or an agent of the lawful occupants.
 2. While standing, kneeling or prowling, or unauthorized entry upon the property of another, day or nighttime, without authority or permission of the owner of such premises or without authority or permission of the lawful occupants, looks into or peeps in the windows or doors of any inhabited building, house, dwelling or structure located thereon.
 3. Willfully enter upon the lands or premises of another without lawful authority, after having been forbidden so to do by the owner, occupant or agent of either, or any person being upon the lands or premises of another, upon being notified to depart therefrom by the owner, occupant or agent of either, who, without lawful authority, neglects or refuses to depart therefrom.

Sec. 395.750.448. Prostitution and Solicitation.

1. No person shall commit an act of prostitution.

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2. A person 16 years of age or older shall not accost, solicit, or invite another person in a public place or in or from a building or vehicle, by word, gesture, or any other means, to commit prostitution or to do any other lewd or immoral act.

State law reference(s)—Prostitution, MCL 750.448 et seq., MSA 28.703 etseq.

Sec. 395.750.301. Gambling places and devices.

1. No person shall keep or maintain a gambling room, gambling table or any policy or pool ticket used for gaming, or knowingly suffer a gambling room, gaming table or any policy or pool ticket to be kept, maintained, played or sold on any premises occupied or controlled by them.

For this purposes of this section, “gambling” means, risking or betting money or anything else of value in a game or bet.

State law reference(s)—Gambling generally, MCL 750.301 et seq., MSA 28.533 etseq.

Sec. 395.04. Penalties.

Unless otherwise provided, a person who violates or fails to comply with any of the provisions of Article 4 is guilty of a misdemeanor and shall be fined not more than \$500.00 or imprisoned not more than 90 days, or both, for each offense.

ARTICLE 5. OFFENSES INVOLVING ADMINISTRATION OF GOVERNMENT

Sec. 395.750.217. Obstruction by disguise or false information.

- (a) Any person who in any manner disguises himself, or provides a false or fictitious name or other false information to a police officer or ordinance enforcement officer, with intent to obstruct the officer in the performance of his or her duty, whether such intent be affected or not, shall be guilty of a misdemeanor.

State law reference(s)—False report on crime, MCL 750.411a, MSA 28.643(1); Disguising with intent to intimidate, MCL 750.217.

Sec. 395.750.479. Resisting or obstructing public officers.

No person shall:

- (1) Knowingly and willfully obstruct, resist or oppose any police officer or person duly authorized, in serving or attempting to serve or execute any process, rule or order made or issued by any lawful authority.
- (2) Knowingly and willfully resist any police officer or duly authorized employee of the Township in the execution of any ordinance, by law, or rule, order or resolution made, issued or passed by the board.
- (3) Knowingly and willfully obstruct, resist, oppose, assault, beat or wound any police officer or other peace officer or any other person authorized by law or Township ordinance to maintain and preserve the peace, or to enforce Township ordinances, in their lawful acts, attempts and efforts to maintain, preserve and keep the peace, or to enforce the Township ordinances.

State law reference(s)—Obstruction of police officer, MCL 750.479, MSA28.747.

Sec. 395.750.215. Impersonating police officer or township official.

No person shall wear, exhibit, display or use, for any purpose, the uniform, apparel, badge, identification card or any other insignia of office substantially identical to that prescribed by the police department, fire department or any other department of the township, unless he is a member of the department. However, this section shall not apply to any persons who are engaged in a recognized theatrical program.

State law reference(s)—False personation of officers, MCL 750.215, MSA28.412.

Sec. 395.05. Penalties.

Unless otherwise provided, a person who violates or fails to comply with any of the provisions of Article 5 is guilty of a misdemeanor and shall be fined not more than \$500.00 or imprisoned not more than 90 days, or both, for each offense.

ARTICLE 6. OFFENSES INVOLVING UNDERAGE PERSONS

Sec. 395.750.145. Contributing to the delinquency of a minor.

No person shall knowingly transport a minor person to a place where prostitution, gambling or any illegal, indecent, immoral or depraved act is practiced, encouraged or allowed.

State law reference(s)—Contributing to delinquency of a minor, MCL 750.145, MSA28.340

Sec. 395.750.136b. Leaving children unattended.

1. A person shall not knowingly or intentionally commit an act or an omission of an act, that under the circumstances posed an unreasonable risk of harm or injury to a minor child. Actual injury is not necessary. It is not a crime to discipline a child. A parent [or guardian, or any person otherwise allowed by law or authorized by the parent or guardian] may use force to discipline a child. But this does not mean that any amount of force may be used. Such force must be reasonable.

State law reference(s) - Leaving children unattended in a vehicle, MCL 750.135a; Child abuse, MCL 136b.

Sec. 395.500. Unlawful entertainment in places licensed to sell alcoholic beverages.

No person licensed to sell alcoholic beverages by the state liquor control commission shall permit a person under 18 years of age to dance, perform monologues or pantomimes or engage in any type of bodily exhibit, contortion or display in his establishment.

State law reference(s)—Employment of underage persons in premises licensed to sell, manufacture, etc., alcohol, MCL 409.115, MSA 17.731(15).

Sec. 395.06 Penalties.

Unless otherwise provided, a person who violates or fails to comply with any of the provisions of Article 6 is guilty of a misdemeanor and shall be fined not more than \$500.00 or imprisoned not more than 90 days, or both, for each offense.

ARTICLE 7. MinorInPossessionofAlcohol.

Sec. 395.436.1703. Purchase, consumption, or possession of alcoholic liquor by minor; attempt; violation; fines; sanctions; furnishing fraudulent identification to minor; chemical breath analysis; notice to parent, custodian, or guardian; construction of ordinance; exceptions.

- (a) A person less than 21 years of age ("minor") shall not purchase or attempt to purchase alcoholic liquor, consume or attempt to consume alcoholic liquor, possess or attempt to possess alcoholic liquor, or have any bodily alcohol content, except as provided in this section.
- (1) minor shall pay a fine of not more than \$100.00; may be ordered to participate in substance abuse prevention services or substance abuse treatment and rehabilitation services as defined in section 6107 of the Public Health Code, 1978 PA 368, MCL 333.6107, or its future amendments, and designated by the administrator of substance abuse services; and may be ordered to perform community service and to undergo substance abuse screening and assessment at his or her own expense as described in subsection (d) of this section.

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- (2) For a violation of subsection (a) of this section following a prior conviction or juvenile adjudication for a violation of subsection (a) of this section, a minor may be imprisoned for not more than 30 days but only if the minor has been found by the court to have violated an order of probation, failed to successfully complete any treatment, screening, or community service ordered by the court, or failed to pay any fine for that conviction or juvenile adjudication; may be required to pay a fine of not more than \$200.00, or both; may be ordered to participate in substance abuse prevention services or substance abuse treatment and rehabilitation services as defined in section 6107 of the Public Health Code, 1978 PA 368, MCL 333.6107, or its future amendments, and designated by the administrator of substance abuse services, to perform community service; and required to undergo substance abuse screening and assessment at his or her own expense as described in subsection (d) of this section.
- (3) For a violation of subsection (a) of this section following two or more prior convictions or juvenile adjudications for a violation of subsection (a) of this section, a minor may be imprisoned for not more than 60 days but only if the minor has been found by the court to have violated an order of probation, failed to successfully complete any treatment, screening, or community service ordered by the court, or failed to pay any fine for that conviction or juvenile adjudication; may be required to pay a fine of not more than \$500.00, or both, and may be ordered to participate in substance abuse prevention services or substance abuse treatment and rehabilitation services as defined in section 6107 of the Public Health Code, 1978 PA 368, MCL 333.6107, or its future amendments, and designated by the administrator of substance abuse services, to perform community service; and required to undergo substance abuse screening and assessment at his or her own expense as described in subsection (d) of this section.
- (b) A person who furnishes fraudulent identification to a minor, or notwithstanding subsection (a) of this section, a minor who uses fraudulent identification to purchase alcoholic liquor, is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$100.00, or both.
- (c) When a minor who has not previously been convicted of or received a juvenile adjudication for a violation of subsection (a) of this section pleads guilty to a violation of subsection (a) of this section or offers a plea of admission in a juvenile delinquency proceeding for a violation of subsection (a) of this section, the court, without entering a judgment of guilt in a criminal proceeding or a determination in a juvenile delinquency proceeding that the juvenile has committed the offense and with the consent of the accused, may defer further proceedings and place the individual on probation upon terms and conditions that include, but are not limited to, the sanctions set forth in subsection (a)(1) of this section, payment of the costs including minimum state cost as provided for in section 18m of chapter XIIA of the Probate Code of 1939, 1939 PA 288, MCL 712A.18m, or its future amendments, and section 1j of chapter IX of the Code of Criminal Procedure, 1927 PA 175, MCL 769.1j, or its future amendments, and the costs of probation as prescribed in section 3 of chapter XI of the Code of Criminal Procedure, 1927 PA 175, MCL 771.3 or its future amendments. Upon violation of a term or condition of probation or upon a finding that the individual is utilizing this subsection in another court, the court may enter an adjudication of guilt, or a determination in a juvenile delinquency proceeding that the individual has committed the offense, and proceed as otherwise provided by law. Upon fulfillment of the terms and conditions of probation, the court shall discharge the individual and dismiss the proceedings. Discharge and dismissal under this Section shall be without adjudication of guilt or without a determination in a juvenile delinquency proceeding that the individual has committed the offense and is not a conviction or juvenile adjudication for purposes of this Section or for purposes of disqualifications or disabilities imposed by law upon conviction of a crime, including the additional penalties imposed for second or subsequent convictions or juvenile adjudications under subsection (a)(2) and (3) of this section. There may be only one discharge or dismissal under this subsection as to an individual. The court shall maintain a nonpublic record of the matter while proceedings are deferred and the individual is on probation under this subsection. The secretary of state shall retain a nonpublic record of a plea and of the discharge and dismissal under this subsection. This record shall be furnished to any of the following:
- (1) To a court, prosecutor, or police agency upon request for the purpose of determining if an individual has already utilized this subsection.

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- (2) To the department of corrections, a prosecutor, or a law enforcement agency, upon the department's, a prosecutor's, or a law enforcement agency's request, subject to all of the following conditions:
- a. At the time of the request, the individual is an employee of the department of corrections, the prosecutor, or the law enforcement agency, or an applicant for employment with the department of corrections, the prosecutor, or the law enforcement agency.
 - b. The record is used by the department of corrections, the prosecutor, or the law enforcement agency only to determine whether an employee has violated his or her conditions of employment or whether an applicant meets criteria for employment.
- (d) The court may order the person convicted of violating subsection (a) of this section to undergo screening and assessment by a person or agency as designated by the substance abuse coordinating agency as defined in section 6103 of the Public Health Code, 1978 PA 368, MCL 333.6103, or its future amendments, in order to determine whether the person is likely to benefit from rehabilitative services, including alcohol or drug education and alcohol or drug treatment programs.
- (e) The secretary of state shall suspend the operator's or chauffeur's license of an individual convicted of violating subsection (a) or (b) of this section as provided in section 319 of the Michigan Vehicle Code, 1949 PA 300, MCL 257.319 or its future amendments.
- (f) A peace officer who has reasonable cause to believe a minor has consumed alcoholic liquor or has any bodily alcohol content may require the person to submit to a preliminary chemical breath analysis. A peace officer may arrest a person based in whole or in part upon the results of a preliminary chemical breath analysis. The results of a preliminary chemical breath analysis or other acceptable blood alcohol test are admissible in a criminal prosecution to determine whether the minor has consumed or possessed alcoholic liquor or had any bodily alcohol content. A minor who refuses to submit to a preliminary chemical breath test analysis as required in this subsection is responsible for a civil infraction and may be ordered to pay a civil fine of not more than \$100.00.
- (g) A law enforcement agency, upon determining that a person less than 18 years of age who is not emancipated under 1968 PA 293, MCL 722.1 to 722.6, or its future amendments, allegedly consumed, possessed, purchased alcoholic liquor, attempted to consume, possess, or purchase alcoholic liquor, or had any bodily alcohol content in violation of subsection (a) of this section shall notify the parent or parents, custodian, or guardian of the person as to the nature of the violation if the name of a parent, guardian, or custodian is reasonably ascertainable by the law enforcement agency. The notice required by this subsection shall be made not later than 48 hours after the law enforcement agency determines that the person who allegedly violated subsection (a) of this section is less than 18 years of age and not emancipated under 1968 PA 293, MCL 722.1 to 722.6 or its future amendments. The notice may be made by any means reasonably calculated to give prompt actual notice including, but not limited to, notice in person, by telephone, or by first class mail. If an individual less than 17 years of age is incarcerated for violating subsection (a) of this section, his or her parents or legal guardian shall be notified immediately as provided in this subsection.
- (h) This section does not prohibit a minor from possessing alcoholic liquor during regular working hours and in the course of his or her employment if employed by a person licensed by the Michigan Liquor Control Code, 1998 PA 58; MCL 436.1113, et seq. or its future amendments, by the commission, or by an agent of the commission, if the alcoholic liquor is not possessed for his or her personal consumption.
- (i) This section does not limit the civil or criminal liability of the vendor or the vendor's clerk, servant, agent, or employee for a violation of the Michigan Liquor Control Code, 1998 PA 58; MCL 436.1113, et seq. or its future amendments.
- (j) The consumption of alcoholic liquor by a minor who is enrolled in a course offered by an accredited postsecondary educational institution in an academic building of the institution under the supervision of a faculty member is not prohibited by this section if the purpose of the consumption is solely educational and is a requirement of the course.

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- (k) The consumption by a minor of sacramental wine in connection with religious services at a church, synagogue, or temple is not prohibited by this section.
 - (l) Subsection (a) of this section does not apply to a minor who participates in either or both of the following:
 - (1) An undercover operation in which the minor purchases or receives alcoholic liquor under the direction of the person's employer and with the prior approval of the local prosecutor's office as part of an employer-sponsored internal enforcement action.
 - (2) An undercover operation in which the minor purchases or receives alcoholic liquor under the direction of the state police, the commission, or a local police agency as part of an enforcement action unless the initial or contemporaneous purchase or receipt of alcoholic liquor by the minor was not under the direction of the state police, the commission, or the local police agency and was not part of the undercover operation.
 - (m) The state police, the commission, or a local police agency shall not recruit or attempt to recruit a minor for participation in an undercover operation at the scene of a violation of subsection (a) of this section, MCL 436.1801(2), or its future amendments, or MCL 436.1701(1) or its future amendments.
 - (n) In a criminal prosecution for the violation of subsection (a) of this section concerning a minor having any bodily alcohol content, it is an affirmative defense that the minor consumed the alcoholic liquor in a venue or location where that consumption is legal.
 - (o) As used in this section, "any bodily alcohol content" means either of the following:
 - (1) An alcohol content of 0.02 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.
 - (2) Any presence of alcohol within a person's body resulting from the consumption of alcoholic liquor, other than consumption of alcoholic liquor as a part of a generally recognized religious service or ceremony.

State law reference(s)—MCL 436.1703.

Sec. 395.07 Penalties.

Unless otherwise provided, a person who violates or fails to comply with any of the provisions of Article 7 is guilty of a municipal civil infraction and shall be fined not more than \$100.00 for each offense.