



1720 Riverview Drive
Kalamazoo, Michigan 49004
Tele: (269) 381-8080
Fax: (269) 381-3550
www.ktwp.org

**Board of Trustees Work Session Meeting
Monday, May 8, 2023
5:30 P.M.**

The Board of Trustees of the *Charter Township of Kalamazoo* will meet in a "Work Session to be held at 5:30 p.m., on **Monday, May 8, 2023**, at the Kalamazoo Township Hall to discuss the below-listed items and any other business that may legally come before the Board of Trustees of the *Charter Township of Kalamazoo*.

Join Zoom Meeting

<https://us02web.zoom.us/j/89675362387?pwd=MmxVVkh3RGllhaTdCMGQ3ekFTcjdIU09>

Meeting ID: 896 7536 2387

Passcode: 536682

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<https://us02web.zoom.us/j/89675362387?pwd=MmxVVkh3RGllhaTdCMGQ3ekFTcjdIU09>

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- A. Discussion on Rhino Media Recruitment Video Presentation
- B. Discussion on Township Ordinance Adoption
- C. Discussion on KTPOA CBA – MERS Amendment
- D. Discussion on 2022 TKPD Annual Report
- E. Discussion on FIOA Specialist
- F. Discussion on Climate Committee and ARPA Committee working together on a project.
- G. Discussion On Fire Department Staffing
- H. Discussion on Police Department Contracts
- I. Discussion regarding items on the Regular Agenda
- J. Public comment

Posted May 5, 2023

Don Martin
Supervisor Kalamazoo Township



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AGENDA ITEM REQUEST FORM

AGENDA ITEM NO: _____

FOR MEETING DATE: Monday, May 8, 2023

SUBJECT: Rhino Media Recruitment Video Presentation

REQUESTING DEPARTMENT: Police Department

SUGGESTED MOTION:

No requested motion.

Financing Cost: _____

Source: General Fund _____ Grant _____ Other _____

Are these funds currently budgeted? Yes _____ No _____

Other comments or notes:

Submitted by: Bryan N. Ergang, Chief of Police

Manager's Recommendation:

Direction: In order for an item to be included in the agenda this form must be completed and signed by the department head, committee chairperson, etc. requesting board action. This form is to be complete and accompany any and all requests submitted to the Kalamazoo Township Board of Trustees for official action. It indicates that the item has received proper administrative consideration prior to its presentation to the Board. The completed form and supporting documentation must be received in the Manager's office NO LATER THAN NOON THE THURSDAY PRECEDING THE NEXT REGULAR BOARD MEETING. Any request presented without this form or after the deadline will be considered incomplete and returned for resubmission.

The mission of Kalamazoo Township is to provide government services that promote a safe, healthy, accessible, and economically viable community to live, work, learn and play.



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AGENDA ITEM REQUEST FORM

AGENDA ITEM NO: 9D 05082023

FOR MEETING DATE: Monday, May 8, 2023

SUBJECT: Township Ordinance Adoption

REQUESTING DEPARTMENT: Township Attorney & Police Department

SUGGESTED MOTION:

Adopt the ordinances as presented by the Township Attorney and the Police Department.

Financing Cost: _____

Source: General Fund _____ Grant _____ Other _____

Are these funds currently budgeted? Yes _____ No _____

Other comments or notes:

Submitted by: Bryan N. Ergang, Chief of Police

Manager's Recommendation:

Direction: In order for an item to be included in the agenda this form must be completed and signed by the department head, committee chairperson, etc. requesting board action. This form is to be complete and accompany any and all requests submitted to the Kalamazoo Township Board of Trustees for official action. It indicates that the item has received proper administrative consideration prior to its presentation to the Board. The completed form and supporting documentation must be received in the Manager's office NO LATER THAN NOON THE THURSDAY PRECEDING THE NEXT REGULAR BOARD MEETING. Any request presented without this form or after the deadline will be considered incomplete and returned for resubmission.

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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 affect 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. 395.324.8902. Litter.

- (a) Definitions. Litter as used in this Section means all garbage, scrap and waste materials including rags, cartons, paper, cans, bottles, used lumber, boxes, wooden skids or pallets or parts therefrom (excluding those stored and used in connection with an industrial or commercial operation on the site), inoperable and discarded appliances and equipment, cut or broken tree branches, and broken or discarded plaster, concrete, or brick building materials.
- (b) Regulations.
 - a. It shall be unlawful for any person, without the consent of the public authority having supervision of public property or the owner of private property, to dump, deposit, place, throw or leave, or cause or permit the dumping, depositing, placing, throwing, or leaving of litter or any other materials on any public or private property or waters within the Charter Township of Kalamazoo other than property designated and set aside for such purposes. The phrase "public or private property or waters" includes, but is not limited to, the right-of-way of any road or highway, any body of water or water course, or the shores or beaches thereof, and including the ice above such waters; any park, playground, building, refuge, or conservation or recreation area; and any residential, commercial, industrial, or farm properties or vacant or unimproved lands.
 - b. It shall be unlawful for any person to aid, assist, or abet another to violate any of the provisions of the within Section.
 - c. The owner or occupant of any building or premises within the Charter Township shall not permit or cause the outdoor storage of litter on such premises, subject to the following exceptions:
 - i. Such litter is temporarily stored outdoors for not more than 14 days or for longer than any period which would cause the same to be odoriferous or a breeding place of insects or rodents, whichever is the lesser period.
 - ii. Such litter does not include garbage or other putrescible liquids or solids, is screened from the view of all adjacent properties and abutting public or private rights-of-way, and is being stored only between monthly public litter collection by the Charter Township or its licensed agents.
 - iii. Logs, branches, or other scrap wood may be neatly stacked outdoors on an occupied premises, provided such storage (1) does not exceed 640 cubic feet in area; (2) is not located within any required building setback areas as specified in the Kalamazoo Charter Township Zoning Ordinance; and (3) complies with all applicable "Fire Codes" and other ordinance requirements. The limitation of 640 cubic feet shall Page 98 of 269 not apply to logs, branches, or other scrap wood stored and used in connection with a lawful industrial, commercial or agricultural operation on the site.
 - iv. Such litter is located in a duly licensed and properly zoned junk yard, salvage yard, or landfill where such uses or operations are legally authorized under the Kalamazoo Charter Township Zoning Ordinance.
 - v. A special permit is first obtained therefor for a period of not to exceed 45 days from the Supervisor of Kalamazoo Charter Township or such other officer or official as the Township Board may designate to be granted only in special hardship cases beyond the control of the applicant, where special or peculiar circumstances exist, where no adjoining property owner is adversely affected thereby and where the spirit and

purpose of these regulations are still observed. A special permit granted hereunder may be renewed for not more than one additional 45-day period upon a showing of due diligence and continued satisfaction of the criteria set forth above for the issuance of the initial permit.

State law reference(s)—Littering, MCL 324.8901 et seq., MSA 13A.8901 et seq.

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 et seq.

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. 395.100. 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 $2 \times 10^{-5} \text{ N/m}^2$ (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.
 - 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 20 dB(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.

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- (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.
- (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.

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- (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;

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- 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.
- 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.
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 et seq.

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 et seq.

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 themselves, 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, MSA 28.747.

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, MSA 28.412.

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, MSA 28.340

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. Minor In Possession of Alcohol.

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.



1720 Riverview Drive
Kalamazoo, MI 49004-1056
Tele: (269) 381-8080
Fax: (269) 381-3550
www.ktwp.org

AGENDA ITEM REQUEST FORM

AGENDA ITEM NO: 9E 05082023

FOR MEETING DATE: Monday, May 8, 2023

SUBJECT: KTPOA Collective Bargaining Agreement - MERS Amendment

REQUESTING DEPARTMENT: Police Department

SUGGESTED MOTION:

Authorize the amendment to the current KTPOA collective bargaining agreement to increase the employer contribution to the MERS pensions as part of the Township of Kalamazoo Police Department Retention Strategy.

Financing Cost: not to exceed \$225,000

Source: General Fund X Grant Other

Are these funds currently budgeted? Yes X No

Other comments or notes:

The implementation is effective from April 2, 2023, through the end of the 2023 fiscal year. The funds are currently available in the police department wages budget and will be transferred to the pension line item to cover the expense.

Submitted by: Bryan N. Ergang, Chief of Police

Manager's Recommendation:

Direction: In order for an item to be included in the agenda this form must be completed and signed by the department head, committee chairperson, etc. requesting board action. This form is to be complete and accompany any and all requests submitted to the Kalamazoo Township Board of Trustees for official action. It indicates that the item has received proper administrative consideration prior to its presentation to the Board. The completed form and supporting documentation must be received in the Manager's office NO LATER THAN NOON THE THURSDAY PRECEDING THE NEXT REGULAR BOARD MEETING. Any request presented without this form or after the deadline will be considered incomplete and returned for resubmission.

The mission of Kalamazoo Township is to provide government services that promote a safe, healthy, accessible, and economically viable community to live, work, learn and play.



POLICE DEPARTMENT

Bryan N. Ergang
Chief of Police

Emergency: 911
Non-Emergency: (269) 488-8911
Administrative Offices: (269) 567-7523
Fax: (269) 552-4468

1720 Riverview Drive
Kalamazoo, MI 49004-1056
www.ktpd.org

To: Township of Kalamazoo Board of Trustees
From: Sergeant Andrew Howes, KTPOA President
Date: May 2, 2023
Re: KTPOA CBA Amendment - MERS Benefit

The Township of Kalamazoo has proposed an increase in employer contribution to the MERS pensions for sworn police officers beginning April 2, 2023 and continuing through the end of the fiscal year.

The Kalamazoo Township Police Officer Association (KTPOA) supports this amendment to the current collective bargaining agreement and recognizes this increased contribution is a gesture of good will and does not set precedence for amendments or revisions to current or future agreements.

Respectfully submitted,

Andrew Howes
KTPOA President

Charter Township of Kalamazoo Police Department

Pride ~ Integrity ~ Compassion ~ Respect



1720 Riverview Drive
Kalamazoo, MI 49004-1056
Tele: (269) 381-8080
Fax: (269) 381-3550
www.ktwp.org

AGENDA ITEM REQUEST FORM

AGENDA ITEM NO: 9B 05082023

FOR MEETING DATE: Monday, May 8, 2023

SUBJECT: TKPD 2022 Annual Report

REQUESTING DEPARTMENT: Police Department

SUGGESTED MOTION:

Accept the 2022 Township of Kalamazoo Police Department Annual Report.

Financing Cost: _____

Source: General Fund _____ Grant _____ Other _____

Are these funds currently budgeted? Yes _____ No _____

Other comments or notes:

Submitted by: Bryan N. Ergang, Chief of Police

Manager's Recommendation:

Direction: In order for an item to be included in the agenda this form must be completed and signed by the department head, committee chairperson, etc. requesting board action. This form is to be complete and accompany any and all requests submitted to the Kalamazoo Township Board of Trustees for official action. It indicates that the item has received proper administrative consideration prior to its presentation to the Board. The completed form and supporting documentation must be received in the Manager's office NO LATER THAN NOON THE THURSDAY PRECEDING THE NEXT REGULAR BOARD MEETING. Any request presented without this form or after the deadline will be considered incomplete and returned for resubmission.

The mission of Kalamazoo Township is to provide government services that promote a safe, healthy, accessible, and economically viable community to live, work, learn and play.

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TOWNSHIP OF KALAMAZOO POLICE DEPARTMENT 2022 ANNUAL REPORT

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Letter from Bryan Ergang, Chief of Police



On behalf of the dedicated professionals of the Township of Kalamazoo Police Department, I present the 2022 TKPD Annual Report. It is my honor and privilege to lead the 46 sworn and civilian staff composing our Department. I am grateful for the opportunity to share their accomplishments and highlights from the past year, as well as our vision as we move forward into 2023.

This year we have continued making steps toward building trust and legitimacy with our community through multiple endeavors. First, we contracted an accreditation consultant using grant funds to assist our department leaders as we prepare for our assessment by the Michigan Law Enforcement Accreditation Commission. Second, in partnership with law enforcement agencies across Kalamazoo County and Integrated Services of Kalamazoo (ISK), we have formed Kalamazoo Protect & Connect (KPAC), a grant-funded collaboration tasked with identifying and evaluating innovative ways to share information and provide focused delivery of social services to our community. In addition to participating in this greater collaborative, we also have a social worker from ISK working out of our department one day a week to conduct follow-up and assist the Patrol Division on behavioral-health-related calls for service. Finally, in response to the 2021 TKPD Community Engagement Survey, we applied for and were awarded with the Community-Oriented Policing Services (COPS) Hiring Program (CHP) grant as one of only three agencies in the State of Michigan who received the award. This effort was supported by the Township Board of Trustees, whose willingness to implement a plan for sustaining the TKPD Community Policing Unit beyond the timeframe of the grant award undoubtedly put our application for funding over the top. We look forward to reestablishing the TKPD Community Policing Unit over the next two years and having the time and resources to invest in problem-oriented and proactive public service efforts.

As the hiring environment continues to become more competitive than ever, we are unwaveringly motivated to recruit and retain public servants of the highest quality. Again, with the support of the Township Board, we were able to implement new recruitment and retention strategies and are optimistic these efforts will set our department apart and continue to allow us to hire and retain excellent employees, broadening our reach and appeal to an ever-increasing pool of qualified police officer candidates as we move into 2023.

MISSION, VISION & VALUES

MISSION

In partnership with our community, our purpose is to preserve life, protect property, and improve the quality of life for those we serve.

VISION

We seek to be a progressive and successful police department that is respected by the people we serve, our elected officials, and our colleagues in criminal justice.

VALUES

To accomplish our mission and vision, we will:

Model integrity and professionalism.

Treat the diverse people we serve and each other with respect and fairness.

Prioritize our actions in the interest of:

1. Community
2. Department
3. Individual employee

OATH OF OFFICE

I do solemnly swear that I will support the Constitution of the United States, and the Constitution of this State, and that I will faithfully perform the duties of Police Officer, in and for the Township of Kalamazoo, County of Kalamazoo and the State of Michigan, according to the best of my ability, so help me God.

OVERVIEW

Founded in 1952, the Township of Kalamazoo Police Department strives to provide a full spectrum of police services to residents and visitors in both the Township of Kalamazoo and the City of Parchment. The Department and its employees have earned an excellent reputation in the community and among its criminal justice system contemporaries as a highly-skilled, compassionate, innovative, and collaborative agency that puts service first. We strive to serve our community in a fashion that rises above and beyond the expectation in each and every interaction.



This year the Township of Kalamazoo Police Department celebrated its 70th anniversary. In addition to inviting TKPD employees past, present, and future to a reception to mark this special occasion, we also fittingly held an awards ceremony on this day to recognize sworn and civilian employees, as well as community members, for going above and beyond the call of duty in service to our community.

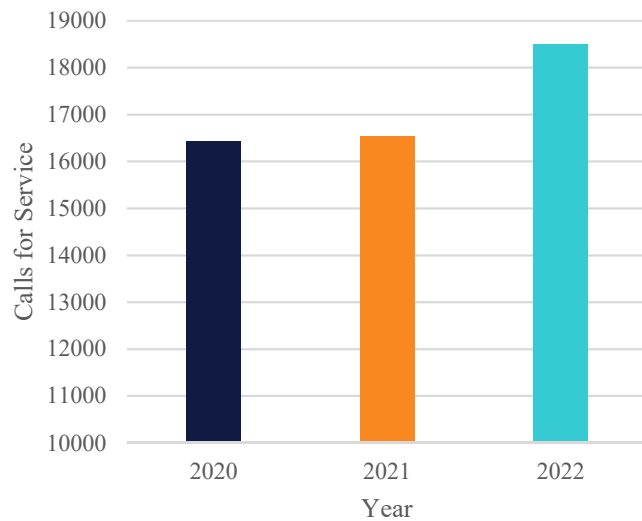
This report contains information on the activities, accomplishments, and goals of the Department in 2022. It is not meant to be a comprehensive report of all activities, but rather to provide an overview of the Department, in addition to specific, frequently-cited statistical data.

CALLS FOR SERVICE

TKPD logged 18,501 police calls for service in 2022. These events are a mixture of citizen calls for service, calls referred from other agencies, and officer-generated on-view calls. Approximately 6.90% (1,277) of the total calls for service originated in the City of Parchment, while the remainder originated in the Township of Kalamazoo or were related to TKPD officer assistance to neighboring jurisdictions.

2022 Calls for Service

Year	Total Calls for Service	% change from previous year
2020	16,436	-3.0
2021	16,538	+0.62
2022	18,501	+11.9

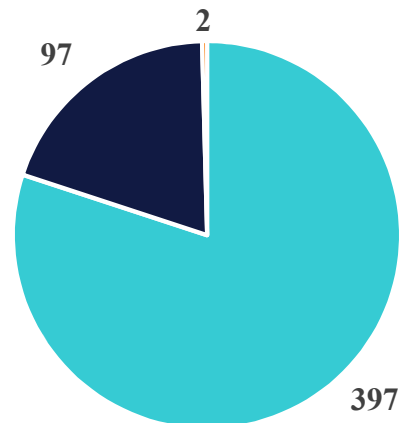
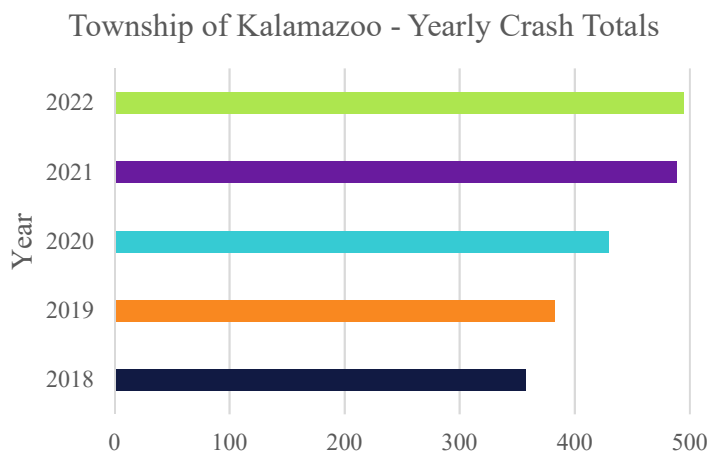


TRAFFIC CRASHES & TRAFFIC ENFORCEMENT

Township of Kalamazoo – Traffic Crashes

Property Damage Crash	397
Personal Injury Crash	97
Fatal Crash	2
Total	495

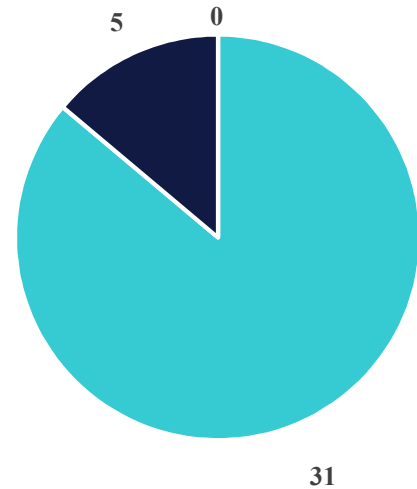
■ Property Damage Crash ■ Personal Injury Crash ■ Fatal Crash



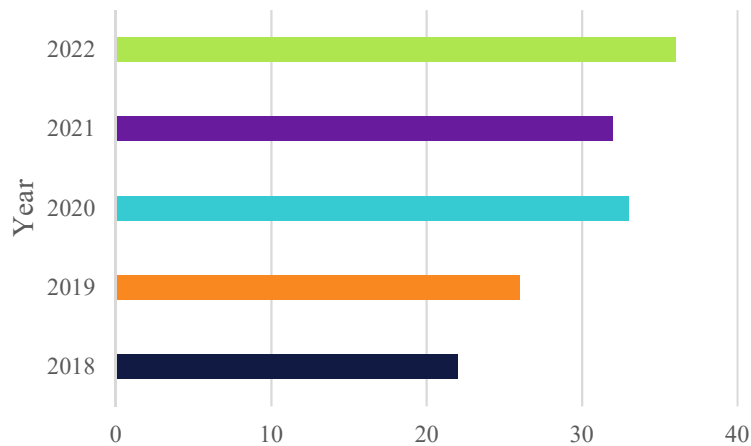
City of Parchment – Traffic Crashes

Property Damage Crash	31
Personal Injury Crash	5
Fatal Crash	0
Total	36

■ Property Damage Crash ■ Personal Injury Crash ■ Fatal Crash

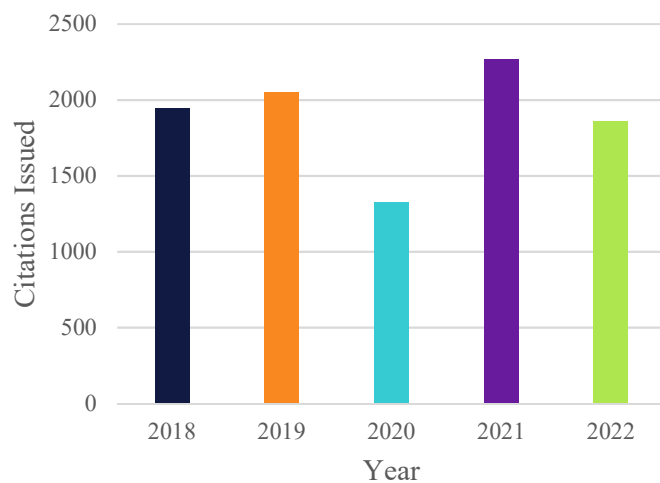


Parchment - Yearly Crash Totals



2022 Traffic Citations Issued

Year	Total Citations Issued	% change from previous year
2018	1,945	-27.3
2019	2,052	+5.50
2020	1,325	-35.4
2021	2,269	+71.2
2022	1,864	-17.8



Township of Kalamazoo Police Department officers issued 1,864 citations in 2022, a 17.8% decrease from 2021. TKPD officers also made 36 operating while intoxicated (OWI) arrests in 2022. We continue to seek restitution through the courts as part of the criminal prosecution in each OWI case charged by the Prosecutor. Each judge has the option of ordering all, part, or none of the expense reimbursement requested. Not all defendants ultimately pay the restitution ordered. In 2022, the Township of Kalamazoo Police Department received \$1,798.34 in restitution. Officers also issued six (6) citations for open intoxicants in a motor vehicle.

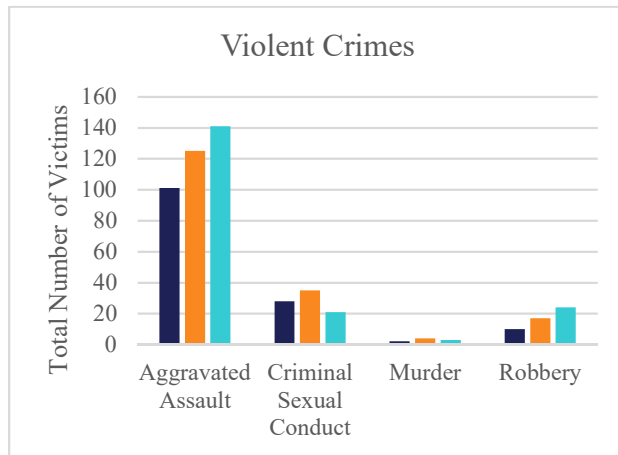
CRIME STATISTICS

Information on crimes reported to or discovered by the Department is forwarded to the State of Michigan through the Michigan Incident Crime Reporting System (MICR). Information is extrapolated from that system and sent to the Federal Bureau of Investigation (FBI) Uniform Crime Report (UCR). The method by which the UCR categorizes crime does not fit neatly with the way criminal acts are defined under Michigan law, so some conversion is necessary. The UCR divides crime into Part 1, or so-called serious crime (i.e., murder, robbery, forcible rape, burglary, aggravated assault, arson, and larceny/theft) and Part 2 crime (all other crime). Please see Appendix A for a more comprehensive explanation of the FBI definitions for each of the Part 1 crimes. While this method of crime reporting is frequently criticized and perhaps misunderstood, it remains the basis for crime trend analysis today in the United States.



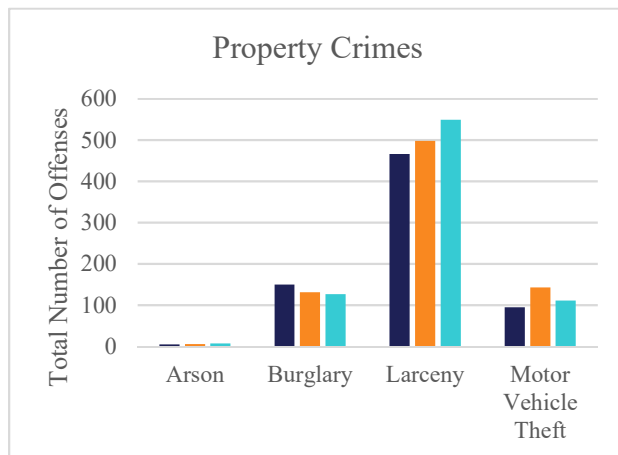
Township of Kalamazoo – Part 1 Crimes

■ 2020 ■ 2021 ■ 2022



Violent Crimes – Total Number of Victims

Violent Crimes	2020	2021	2022	# Change 2021-2022
Aggravated Assault	101	125	141	16
Criminal Sexual Conduct	28	35	21	-14
Murder	2	4	3	-1
Robbery	10	17	24	7
Total	141	181	189	8 (+4.41%)



Property Crimes – Total Number of Offenses

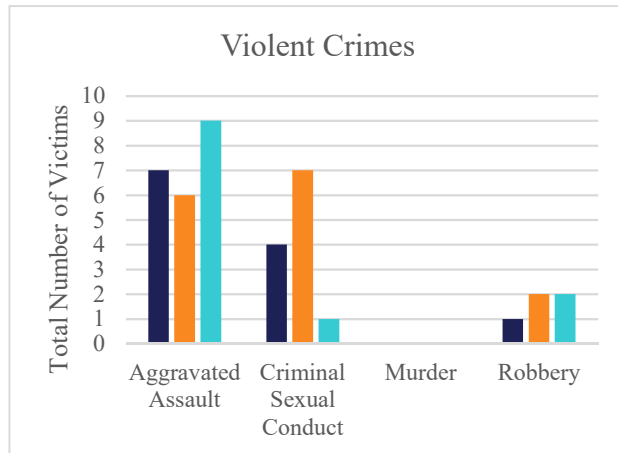
Property Crimes	2020	2021	2022	# Change 2021-2022
Arson	5	6	7	1
Burglary	150	131	127	-4
Larceny	466	498	549	51
Motor Vehicle Theft	95	143	111	-32
Total	716	778	794	16 (+2.06%)

Township of Kalamazoo – Part 2 Crimes

Crime	2021	2022	# change
Simple Assault	289	247	↓42
Forgery/Counterfeiting	12	6	↓6
Fraud (includes bad checks & illegal use of a credit card)	117	103	↓14
Embezzlement	8	6	↓2
Malicious Destruction of Property	213	166	↓47
Violation of the Controlled Substance Act	43	50	↑7
Operating while Intoxicated	56	32	↓24
Trespassing	21	26	↑5
Disorderly	5	13	↑7

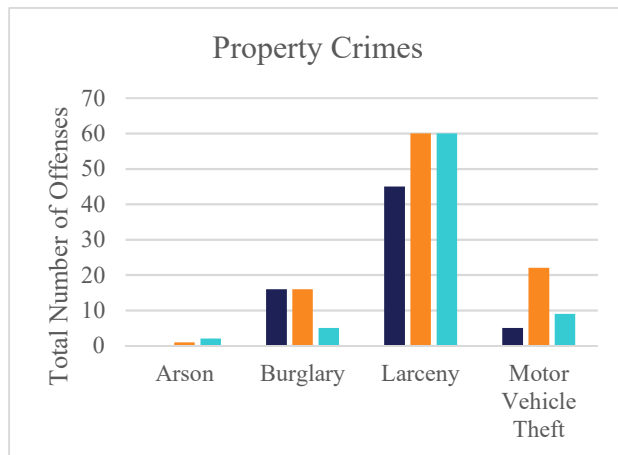
City of Parchment – Part 1 Crimes

■ 2020 ■ 2021 ■ 2022



Violent Crimes – Total Number of Victims

Violent Crimes	2020	2021	2022	# Change 2021-2022
Aggravated Assault	7	6	9	3
Criminal Sexual Conduct	4	7	1	-6
Murder	0	0	0	0
Robbery	1	2	2	0
Total	12	15	12	-3 (-20.0%)



Property Crimes – Total Number of Offenses

Property Crimes	2020	2021	2022	# Change 2021-2022
Arson	0	1	2	1
Burglary	16	16	5	-11
Larceny	45	60	60	0
Motor Vehicle Theft	5	22	9	-13
Total	66	99	76	-23 (-23.2%)

City of Parchment – Part 2 Crimes

Crime	2021	2022	# change
Simple Assault	31	36	↑5
Forgery/Counterfeiting	2	2	--
Fraud (includes bad checks & illegal use of a credit card)	6	13	↑7
Embezzlement	2	0	↓2
Malicious Destruction of Property	19	16	↓3
Violation of the Controlled Substance Act	6	3	↓3
Operating while Intoxicated	6	4	↓2
Trespassing	1	1	--
Disorderly	1	2	↑1

COMMUNITY ENGAGEMENT HIGHLIGHTS

Officers were able to participate in several community events this year, including the Shop with a Hero and Kalamazoo Regional Citizens Academy events.



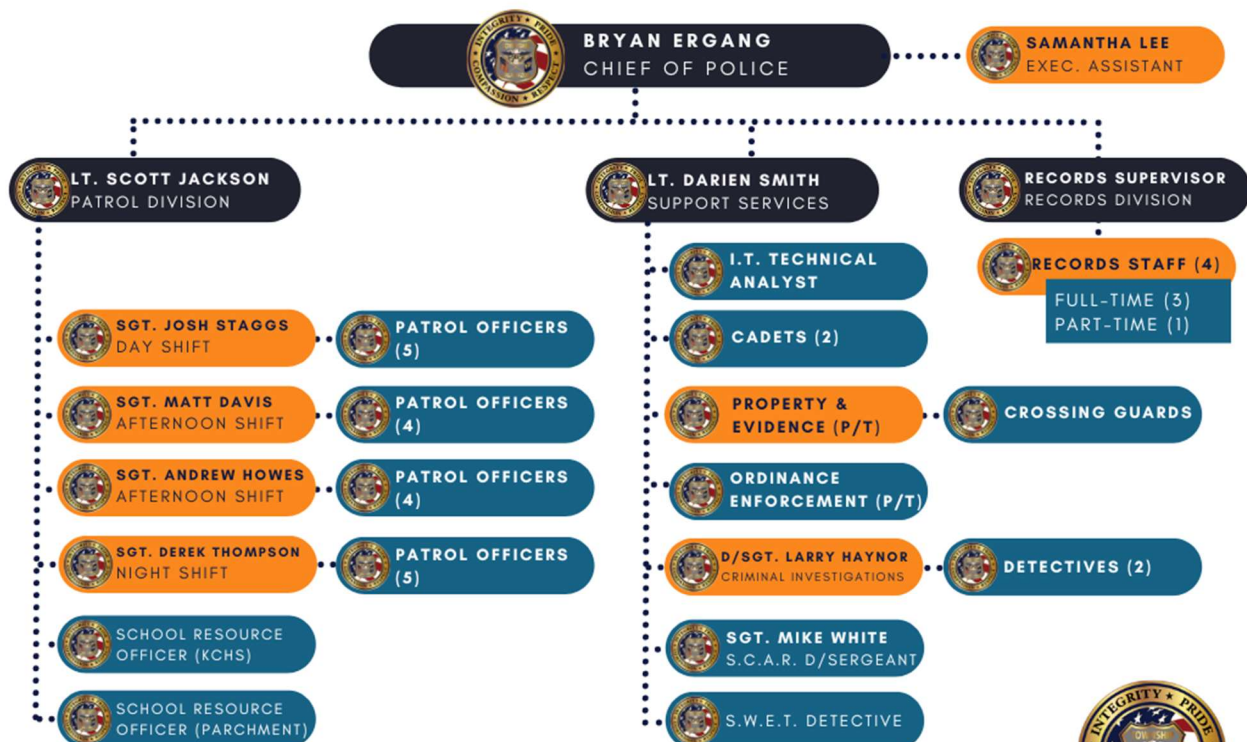
The Chief of Police continues to support local entities and organizations by serving on several local, regional, and statewide leadership boards, including Kalamazoo Probation Enhancement Program (KPEP), Kalamazoo County Consolidated Dispatch Authority (KCCDA), Michigan High Intensity Drug Trafficking Areas (HIDTA), Southwest Commercial Auto Recovery (SCAR), Southwest Enforcement Team (SWET), Michigan Association of Chiefs of Police (MACP), Kalamazoo Valley Community College (KVCC), and Advocates & Leaders for Police & Community Trust (ALPACT).

TKPD leaders have continued to sit on the Kalamazoo Protect & Connect (KPAC) council and subcommittees this year. The Connect & Protect grant proposal was awarded at the end of 2021 through a collaborative effort between the Integrated Services of Kalamazoo, Kalamazoo County Consolidated Dispatch Authority, Kalamazoo County Sheriff's Office and other law enforcement agencies throughout the county, including the Township of Kalamazoo Police Department. There are many facets of the intended purpose of the grant, including but not limited to identifying and developing a co-response model between mental health and law enforcement professionals to address crisis calls for service in the Kalamazoo

County Area. The overarching goal is to facilitate collaboration between social and public service organizations in our area in a variety of meaningful ways to benefit the community we serve. The Township has also welcomed Kristeen Markan, a law enforcement liaison social worker from Integrated Services of Kalamazoo, who works out of the Department one day a week and is available to follow-up with patrol officers on mental health-related calls for service.

ORGANIZATIONAL CHART

2022 Township of Kalamazoo Police Department



12.31.2022

STAFFING

The Township of Kalamazoo Police Department began 2022 with 34 sworn officers and ended the year with 34 sworn officers. The hiring environment continues to be extremely challenging, yet we remain committed to hiring dedicated public servants of the highest quality.

New Hires & Promotions

Cadet Tanner Callahan was hired as a police officer in May after successfully completing the Kalamazoo Valley Community College Police Academy.



In addition to Officer Callahan, Jared Popp, Jacob Newman, and Grace Turner were hired as police officers. Alexis Bucher and Claire Houtman joined the TKPD Cadet Program. Abby White and Brittany Whitfield were hired as administrative assistants to the Records Division, and Rick Shaink joined the Department as an IT Analyst.

Derek Thompson was promoted to Sergeant in January. Sergeant Thompson started his career at TKPD in 2015 and has served as a Field Training Officer, in addition to other instructor roles. Derek is a graduate of Hope College, where he holds a bachelor's degree in criminal justice.



CRIMINAL INVESTIGATIONS UNIT



The Criminal Investigations Unit (CIU) plays a key role in ensuring the Department provides quality service to our community by conducting thorough investigations of major crimes and cases of a longitudinal nature. For example, the CIU investigates cases ranging from fraud and home invasion to criminal sexual conduct and homicide.

In addition to investigating these highest priority cases, TKPD CIU also is critical in day-to-day operations, often serving as back-up to the Patrol Division and interfacing with the Court system as representatives of our Department.

During 2022, the Criminal Investigations Unit (CIU) signed a total of 347 warrants authorized by the Prosecuting Attorney's Office, compared to 407 in 2021. CIU Detectives signed 194 misdemeanor warrants and 153 felony warrants, compared to 230 and 177, respectively, in 2021. Out of the 347 warrants signed in 2022, 128 (36.9%) were for cases involving subjects who were in-custody, meaning those cases are required to be addressed on the same day the warrant information is received. In 2021, 154 (37.8%) of the 407 warrants signed were in-custody cases.

Changes in the criminal justice process as a result of the pandemic have continued to put increasing demands upon our administrative staff and requires more work by the CIU, including regular weekend assignments.

TKPD CIU continues to participate in a variety of collaborative efforts, including hosting a monthly meeting for Federal, State, County, and Municipal agencies to share intelligence and crime data.

PATROL ASSIGNMENTS

Special Teams Assignments

Southwest Commercial Auto Recovery Unit – A TKPD sergeant is assigned to the Southwest Commercial Auto Recovery (SCAR) Unit and is supported by grant funding. This sergeant works auto-theft-related cases on both the local and regional levels.

Southwest Enforcement Team – A TKPD officer is also assigned as a detective to the Southwest Enforcement Team (SWET), a nine-county regional concept narcotics enforcement team supervised by the Michigan State Police. The officer assigned to SWET is supported partially by grant funding and is our only dedicated narcotics enforcement officer.

These assignments outside of our agency allow us to bring other officers assigned to these teams into the Township to assist with investigations, enhancing our ability to provide full-spectrum services to our community, while also advancing the careers of our own officers.

School Resource Officer

TKPD continues to maintain a positive partnership with area schools and maintains the “Every School Every Day” program, where a TKPD officer visits every school in their district every day to engage with students, build relationships, and promote consistent, positive daily interactions.

Officer David Crock continued his assignment to Kalamazoo Central High School (KCHS) as their School Resource Officer (SRO). TKPD responded to 139 calls for police service at Kalamazoo Central High School in 2022. In those matters, 46 reports were recorded, 33 were investigated as criminal complaints, 20 were submitted to the Prosecutor’s Office for review of potential criminal charges, and one (1) adult custodial arrest was made.





Officer Halley Cummins began her assignment as the SRO to Parchment Schools. TKPD responded to 327 calls for service at Parchment schools in 2022 (not including directed patrols for Every School Every Day). Thirty-one (31) cases were written as a result of the calls for service to Parchment Schools, 13 were investigated as criminal complaints, four (4) were submitted to the Prosecutor's Office for review of potential charges, and no custodial arrests were made.

The purpose of our SROs is to provide public safety services to assigned schools through mentoring, prevention, education, and problem-solving via community-based relationships. School Resource Officers Crock and Cummins have innumerable contacts with students and staff every day, most of which are informal.

PROFESSIONAL STANDARDS

Michigan Law Enforcement Accreditation Program

With the support of the Community Policing Development (CPD) grant awarded by the Office of Community-Oriented Policing Services (COPS) in 2021, TKPD leaders continued to work toward accreditation by the Michigan Law Enforcement Accreditation Commission (MLEAC). The COPS office funds allowed our department to hire an accreditation consultant to assist with preparations from policy review to on-site assessment. Working with the accreditation consultant has allowed for an efficient use of time and resources as we continue to work toward full police department staffing.

TKPD intends to complete the assessment by December 2024, demonstrating compliance with the MLEAC standards for application and implementation of professional objectives aiming toward a comprehensive, obtainable, and standards-based public safety service delivery.

While TKPD already implements many of the standards outlined by the Commission, accreditation will demonstrate concrete accountability to upholding these professional standards and increase transparency by retaining extensive proofs of compliance with these standards.

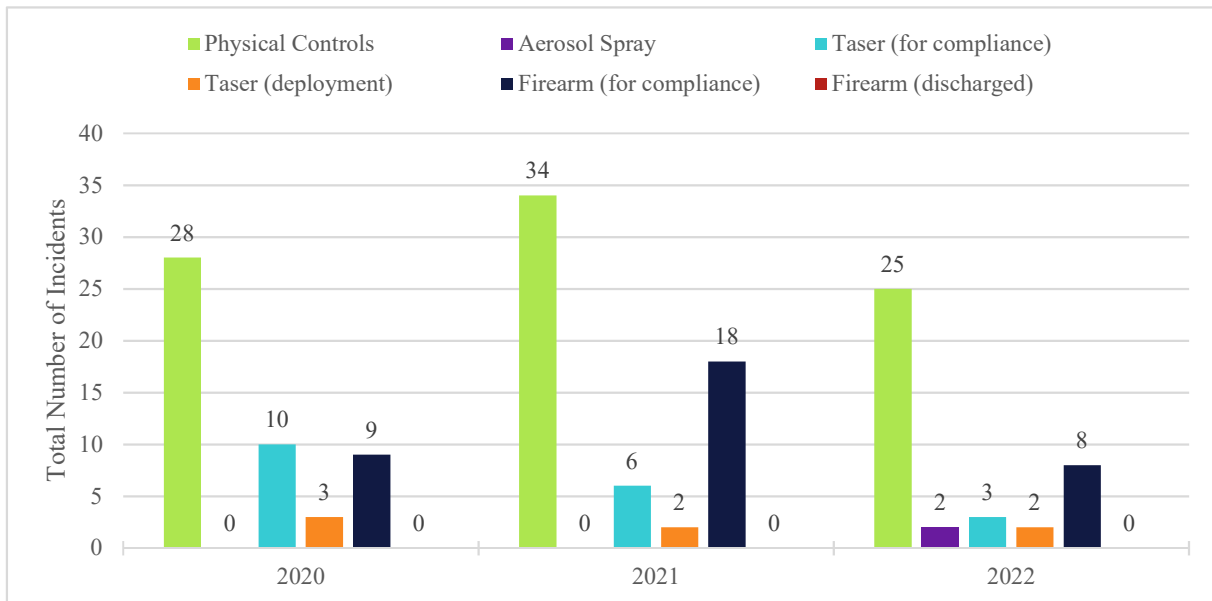
Use of Force Data

The value of human life is immeasurable in our society. Police officers have been delegated the responsibility to protect life and property and apprehend criminal offenders. This is a responsibility that, oftentimes, puts them in harm's way and may require them to use force.

TKPD is dedicated to utilizing other means of de-escalation and training to reduce the need for use of force applications. Starting in 2019, TKPD was one of the first agencies in the state to voluntarily report its monthly use of force statistics to the United States Department of Justice.

In 2022, TKPD responded to 18,501 calls for service and utilized force in 0.22 percent of those contacts.

Use of Force by Category



Training



TKPD reaffirms its commitment to provide continuous, high-quality training that meets the needs of our officers and our community. Officers receive numerous hours of training in firearms, defensive tactics, scenario training, defensive driving, and other topics pertinent to police-related matters.

Crisis Intervention Team (C.I.T.) training designed to help de-escalate situations, particularly those involving people with mental health or emotional issues, and Fair and Impartial Policing (F.I.P.) training, which is designed to make officers aware of issues surrounding the implicit bias innate to all human beings.

TKPD continued to take advantage of as many training opportunities as possible and was able to move toward a full training schedule despite limited training availability. Looking ahead to 2023, we anticipate no further issues with maintaining a full training regimen for all sworn personnel in the coming year.



Officer Wellness

As referenced by the United States Department of Justice Community-Oriented Policing Services (COPS) Office, “The occupational fatality rate for law enforcement is three to five times greater than the national average for the working population. The officers who protect (their communities) must also be protected against incapacitating physical, mental, and emotional health problems, as well as against the hazards of their job. In order to promote and support the wellness of all our sworn and non-sworn personnel, we have made the following programs available targeting emotional, physical and spiritual wellness:

- *Fitness Center* – TKPD has a fully-equipped fitness center on-site, which is available to all personnel.
- *Chaplain Program* – Chaplain Mike Kemple provides spiritual support to all staff.
- *Employee Assistance Program (EAP)* – TKPD contracts with HelpNet to provide confidential personal counseling to staff and their families 24 hours a day, 365 days a year. HelpNet offers our employees assessment, counseling, and community referrals, if necessary.
- *Physical Preparedness Initiative* – Each year, officers voluntarily complete the Michigan Commission on Law Enforcement Standards (MCOLES) Physical Fitness Test with financial incentives.
- *Critical Incident Stress Management (CISM) Participation* - TKPD participates with other agencies within our region in providing and receiving CISM debriefings following traumatic events.
- *Peer Support* – Trained peer support officers provide their colleagues with an opportunity to share their experiences with other officers who are often best able to relate and provide support following traumatic and/or everyday experiences in the line of duty.

SUPPORT SERVICES

Ordinance Enforcement

The Township Ordinance Enforcement Officer plays a key role in making the Township a great place to live, visit, and work. The stated goal of ordinance enforcement is to always strive to obtain compliance from our community partners. If efforts to gain compliance through communication and collaboration are unsuccessful, the Ordinance Enforcement Officer moves forward with a process to facilitate compliance through the court system. Of the hundreds of contacts with Township residents regarding ordinance issues, there were 117 violations resulting in 45 citations and 61 compliance orders issued by the court this year. Twenty-three (23) of these court orders were violated by the recipient, necessitating further show-cause hearings. Four properties were demolished, and one project is scheduled for 2023.

Records Division

The Township of Kalamazoo Police Department Records Division is constituted by one full-time records supervisor, three full-time administrative assistants, and one part-time typist. The wide array of responsibilities of the Records Division includes transcribing police reports, government grant maintenance and reporting, case submissions to the Kalamazoo County Prosecuting Attorney's and Township of Kalamazoo Attorney's offices, fingerprinting services, sex offender verification, processing Freedom of Information Act (FOIA) requests, processing inter-agency requests, and fulfilling requests for traffic reports.

REVENUE

The Department received revenue from a number of external sources and entities in 2022 in the amount of \$668,423.90.

TKPD receives a less-significant amount of revenue as a result of services provided to the community, including sale of police reports, applicant fingerprint fees, District Court fines, OWI reimbursement, etc.

This year, the Township of Kalamazoo received no revenue as a result of asset forfeitures.



APPENDIX A – FBI Uniform Crime Reporting Definitions

The Federal Bureau of Investigation (FBI) Uniform Crime Reporting (UCR) defines Part 1 criminal offenses as outlined below:

1. Murder – the willful (non-negligent) killing of one human being by another.

The classification of this offense is based solely on police investigation as opposed to the determination of a court, medical examiner, coroner, jury, or other judicial body. The UCR Program does not include the following situations in this offense classification:

- ◇ Deaths caused by negligence, suicide, or accident
- ◇ Justifiable homicides
- ◇ Attempts to murder or assaults to murder (which are scored as aggravated assaults)

2. Forcible Rape (Criminal Sexual Conduct) – the carnal knowledge of a person forcibly and against their will. Assaults and attempts to commit rape by force or threat of force are also included; however, statutory rape (without force) and other sex offenses are excluded.

3. Robbery – the taking or attempt to take anything of value from the care, custody, or control of a person(s) by force or threat of force or violence and/or by putting the victim in fear.

4. Aggravated Assault – an unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. The FBI UCR Program further specifies that this type of assault is usually accompanied by the use of a weapon or by other means likely to produce death or great bodily harm. Attempted aggravated assault that involves the display of – or threat to use – a gun, knife, or other weapon is included in this crime category because serious personal injury would likely result if the assault were completed. When aggravated assault and larceny-theft occur together, the offense falls under the category of robbery.

5. Burglary – the unlawful entry of a structure to commit a felony or theft. To classify an offense as a burglary, the use of force to gain entry need not have occurred. The FBI UCR Program has three sub-classifications for burglary: (i) forcible entry, (ii) unlawful entry where no force is used, and (iii) attempted forcible entry. The UCR definition of “structure” includes, for example, apartment, barn, house-trailer or houseboat, when used as a permanent dwelling, office, railroad car, stable, and vessel (i.e., ship), and excludes automobile.

- 6. Larceny (Theft) – the unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another.** Examples are thefts of bicycles, motor vehicle parts and accessories, shoplifting, pocket-picking, or the stealing of any property or article that is not taken by force and violence or by fraud. Attempted larcenies are included. Embezzlement, confidence games, forgery, check fraud, etc., are excluded.
- 7. Motor Vehicle Theft – the theft or attempted theft of a motor vehicle.** In the UCR Program, a motor vehicle is a self-propelled vehicle that runs on land surfaces and not on rails. Examples of motor vehicles include sport utility vehicles, automobiles, trucks, buses, motorcycles, motor scooters, all-terrain vehicles, and snowmobiles. Motor vehicle theft does not include farm equipment, bulldozers, airplanes, construction equipment, or watercraft such as motor boats, sailboats, houseboats, or jet skis. The taking of a motor vehicle for temporary use by persons having lawful access is excluded from this definition.
- 8. Arson – any willful or malicious burning or attempting to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.**



1720 Riverview Drive
Kalamazoo, MI 49004-1056
Tele: (269) 381-8080
Fax: (269) 381-3550
www.ktwp.org

AGENDA ITEM REQUEST FORM

AGENDA ITEM NO: 9C 05082023

FOR MEETING DATE: Monday, May 8, 2023

SUBJECT: FOIA Specialist

REQUESTING DEPARTMENT: Police Department

SUGGESTED MOTION:

Approve the police department FOIA Specialist position.

Financing Cost: _____

Source: General Fund X Grant _____ Other _____

Are these funds currently budgeted? Yes X No _____

Other comments or notes:

Based on the scope of responsibilities, the FOIA Specialist will be incorporated into the Kalamazoo Charter Township 2023 Wage Scale at Grade 3.

Submitted by: Bryan N. Ergang, Chief of Police

Manager's Recommendation:

Direction: In order for an item to be included in the agenda this form must be completed and signed by the department head, committee chairperson, etc. requesting board action. This form is to be complete and accompany any and all requests submitted to the Kalamazoo Township Board of Trustees for official action. It indicates that the item has received proper administrative consideration prior to its presentation to the Board. The completed form and supporting documentation must be received in the Manager's office NO LATER THAN NOON THE THURSDAY PRECEDING THE NEXT REGULAR BOARD MEETING. Any request presented without this form or after the deadline will be considered incomplete and returned for resubmission.

The mission of Kalamazoo Township is to provide government services that promote a safe, healthy, accessible, and economically viable community to live, work, learn and play.

Supervised by: Records Supervisor

Supervises: N/A

Position Summary

Represents the Township of Kalamazoo Police Department in a positive and professional manner at all times in executing their duties as the FOIA Specialist, and performs their duties with absolute confidentiality of sensitive information. Independently applies the Freedom of Information Act (FOIA) and handles police department FOIA requests and responses, including redactions, communicating with requestors and stakeholders, handling FOIA fee transactions, and preparing responses to FOIA requests.

Essential Job Functions

An employee in this position may be called upon to do any or all of the following essential functions. These examples do not include all of the duties which the employee may be expected to perform. To perform this job successfully, an individual must be able to perform each essential function satisfactorily.

1. Independently applies the Freedom of Information Act (FOIA).
2. Analyzes Freedom of Information Act (FOIA) requests to determine if they follow agency regulations and are accepted for processing, whether the requests are covered by the FOIA and whether all fee and scope issues are resolved.
3. Creates and maintains electronic FOIA case files with all required documentation.
4. Calculates FOIA fees accurately and communicates the fees to the requestor, when applicable.
5. Prepares response letters and related correspondence and notifies supervisors of requests, when appropriate.
6. Reviews and analyzes records to determine whether FOIA exemptions apply. Redacts any protected information prior to public release. Ensures redactions made are neat, accurate, and correctly labeled with appropriate exemption numbers.
7. Communicates with all levels of the organization in responding to FOIA requests.

Township of Kalamazoo Police Department
FOIA Specialist – Job Description

8. Communicates, coordinates, and collaborates with FOIA requester regarding the status/processing of their requests; provides information or assistance; and resolves issues regarding their requests in a timely, courteous, and service-oriented fashion.
9. Handles FOIA fee transactions with integrity and great attention to detail, all according to the Township of Kalamazoo fiscal control policy.
10. Manages time based on workload and prioritizes working according to due dates established. Ensures work is completed according to applicable laws, regulations, and department policies.
11. Implements policies and procedures for managing law enforcement records, including related activities such as management of physical and electronic records, records disposition, and records retrieval for FOIA and litigation purposes, as well as public access to records.
12. Assists with implementing records management and other specified document control procedures.
13. Serves as a technical resource for Records Management policies, practices, and processes.
14. Independently handles police department FOIA request and responses, including redactions, communicating with requestors and stakeholders, and preparing responses to FOIA requests.
15. Attends FOIA-related training to further education and stay up-to-date on legal guidance pertaining to the FOIA.
16. Performs related work or other duties as assigned as required or requested by the Records Supervisor, lieutenants, or Chief of Police.

Required Knowledge, Skills, Abilities, and Minimum Qualifications

The requirements listed below are representative of the knowledge, skills, abilities, and minimum qualifications necessary to perform the essential functions of the position.

- High school diploma or equivalent required.
- Extensive knowledge of the Freedom of Information Act (FOIA) and ability to independently and appropriately apply the FOIA.

Township of Kalamazoo Police Department
FOIA Specialist – Job Description

- Knowledge of general office procedures and practices, as well as the rules and policies of the police department.
- Considerable knowledge of legal and law enforcement terminology, records management, and general personnel policies and administrative procedures.
- Skill in preparing, maintaining, and updating records and documents, including highly sensitive and confidential information.
- Skill in operating basic office equipment including computers and related word processing, spreadsheet and database software.
- Ability to maintain a high level of confidentiality and use discretion when dealing with sensitive issues.
- Ability to type and enter data with speed and accuracy.
- Ability to establish effective working relationships and use good judgment, initiative, and resourcefulness when dealing with coworkers, administrators, representatives from other units of government, and the public.
- Ability to understand and follow oral and written instructions, prioritize demands, maintain attention to detail and work independently.



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Tele: (269) 381-8080
Fax: (269) 381-3550
www.ktwp.org

AGENDA ITEM REQUEST FORM

AGENDA ITEM NO: 9A 05082023

FOR MEETING DATE: May 8, 2023

SUBJECT: Discussion Item only – seeking Support and input regarding the Climate Committee and ARPA Committee members to working together for SPARK Grant Applications that can benefit our parks

REQUESTING DEPARTMENT: Trustee Glass and welcome support of others

SUGGESTED MOTION:

The ARPA Committee has unanimously agreed that our parks need major ‘love’ and will make these recommendations to the Parks Commissioner and full board in due time. However, we have SPARK grants and other community money available that may be used instead of ARPA funds if the board supplies the blessing to move in this direction. I would like to work with members of the two committees and Trustee Leuty to secure a SPARK grant for improvements to Wilson Recreation Area, Lakewood Park, Rybrandt Park.

Financing Cost: _____

Source: General Fund _____ Grant _____ Other _____

Are these funds currently budgeted? Yes _____ No X

Other comments or notes:

The financial cost will be determined by the number of services in the assessment.

Submitted by: Lisa Moaiery, Township Clerk, and Ashley Glass, Trustee

Direction: In order for an item to be included in the agenda this form must be completed and signed by the department head, committee chairperson, etc. requesting board action. This form is to be complete and accompany any and all requests submitted to the Kalamazoo Township Board of Trustees for official action. It indicates that the item has received proper administrative consideration prior to its presentation to the Board. The completed form and supporting documentation must be received in the Manager’s office No later than noon Wednesday preceding the next board meeting. Any request presented without this form or after the deadline will be considered incomplete and returned for resubmission.

The mission of Kalamazoo Township is to provide government services that promote a safe, healthy, accessible, and economically viable community to live, work, learn, and play.

Memorandum to the Kalamazoo Township Board on Fire Department Staffing

From the Policy and Administration Committee, research and some comments by Fire Chief Baird, minutes taken by Police Executive Asst. Samantha Lee, memo edited and additional comments by Trustee Miller

5/4/2023

The Board recently voted to create a request for proposals to conduct a review of the Kalamazoo Township Fire Department's structure and operations, and to make recommendations to the Board for changes. I am not aware of what progress has been made in this direction in light of other events. However, there is a perception by at least some of us that we cannot wait for the results of that review to begin to hire full-time firefighters in order to relieve the strain on our present firefighters in filling all the hours needed to keep our fire stations open and staffed.

At the same time, I believe all Board members are in agreement with the judgment that is shared by all of our firefighters I have spoken with, that the Residential Station Officer model is obsolete, and we must transition away from that model. While it is not ideal to begin to make changes when we have a review somewhere in the planning stages, we are not in an ideal situation. It is hard to imagine that the conclusions reached by such a review would alter this judgment.

Since 2013 fire department calls for service have grown by 77% rising from 1,667 in 2013 to 2,959 in 2022.

Assumptions used in evaluating pay and benefits of other agencies who have hired Firefighters in the last year.

- Fire Department and the Township Board are aligned in removing the Residential (Live-in) Station Officer from the structure of the Fire Department.
 - Each RSO position worked equivalent of 2 full time 24 hour employees.
 - Moving away from the RSO hence requires hiring 6 full time employees to back fill existing RSO roles.
 - Once we do this, the two existing Utility Firefighters would be best used in a 24 hour role.
 - One additional FF would cover all shifts at all stations regularly with one 24 hour employee scheduled.
 - Vacation, Sick leave and other resulting vacant shifts will still need backfill and/or overtime.
 - Filling these positions with Firefighters only results in a lack of experience and oversight of officers.
 - Should move RSO positions to a 24 hour BC employee to cover all stations with supervision and ability to respond to all significant calls for service.

This organizational structure will require hiring 7 full time Firefighters and 2 Battalion Chiefs to implement.

Quoted from the Texas Township 360 Review:

National Recruitment Trends

According to HR professionals across the United States, it is becoming progressively harder to hire qualified personnel. Looking at a tight labor market, recruitment, and retention of qualified personnel with the necessary skills for public service topped the list of workforce challenges (State and Local Government Workforce: 2017 Trends). Between 2013 and 2018, postings for government jobs increased by 29% while applicant volume fell by 8%, resulting in a 37% gap (Neogov Job Seeker Report 2019), with Fire/EMS showing a 38% decrease.

More recently, the Center for State and Local Government Excellence released its State and Local Government Workforces 2021 report. Based on a survey conducted with 300 state and local government participants across the United States in the first quarter of 2021, nearly 38% of respondents identified firefighting/emergency medical positions as one of their most challenging positions to fill. When focusing on smaller governments (less than 500 employees), this percentage rose to 58%. Diminishing interest in firefighting careers is a sustained nationwide trend; therefore, The Department should focus on its recruitment strategy to maintain its current staffing and anticipate its future staffing needs.

Quoted from the Nottley Report (Municipal Consulting Services, LLC May 20, 2019):

Updating The Compensation Plan

Economic conditions, the availability of people, and the prevailing labor market rates will all impact salary structures. To accurately reflect the labor market, the compensation plan must be reviewed and adjusted annually.

In this sense, pay adjustments will be a two-step process:

1. A general “across the (board)” adjustment to each pay range should be made to reflect inflationary or cost of living increases;
2. Individual-level adjustments based on steps (and satisfactory performance) should then be considered.

To adjust the pay plan, the Township could consider utilizing the Consumer Price Index (CPI). Related, there are a number of CPI indices that are reported. If this approach is taken, the Township should consider the CPI-U for the Midwest Region for the annual update.

However, by all indications, the wage market is tightening and wages are increasing at a faster rate than CPI or other inflation indicators. Until such time that balance is restored to these economic indicators, the Township may be better served to use another metric. As one option, the Township could consult the Bureau of Labor Statistics’ Employment Cost Index or another reliable labor costs’ metric.

Other Department's Fire Budgets and staffing levels in Kalamazoo County

- Comstock – 2,114 incidents in 2022
 - 1.1 M Fire Capital
 - 2.8 M Fire Ops
 - Pop. 2021 Est. census.gov 15,209
 - \$261.69 per capita (2 on duty at 3 stations, chief on duty, expanding to include Lt's)
- Oshtemo – 3,329 incidents in 2022
 - 3.15 M Fire Total
 - Pop. 2021 Est. census.gov 23,729
 - \$132.75 per capita (3 on duty at 2 stations, no chief on duty, Capt. on one rig)
- Portage – 5,143 incidents in 2022
 - 5.5 M Fire Ops
 - No dedicated capital for Fire, city wide \$29.5 M/year
 - Pop. 2021 Est. census.gov 48,844
 - \$113.99 per capita (3 on duty at 3 stations, chief on duty)
- Texas – 1,019 incidents in 2022
 - \$1.18 M Fire Ops
 - \$125,000 Fire Capital
 - Pop. 2021 Est. census.gov 18,014
 - \$72.39 per capita (2 on duty at one station, no chief on duty)
- K-Twp – 2,959 incidents in 2022
 - 2.08 M Fire Ops
 - .53 M Fire Capital
 - Pop. 2021 Est. census.gov 24,646 (includes Parch)
 - \$105.90 per capita
- Additional Budget to match per capita spending of neighbors
 - Comstock - \$3,839,600
 - Oshtemo - \$661,745
 - Portage - \$199,397 (includes no capital)
- Cooper – 729 incidents in 2022
 - \$368,649 Fire Total
 - Pop. 2021 Est. census.gov 10,407
 - \$35.42 per capita (no staffing, run less than NW station 0 full time)
- Parchment – 260 incidents in 2022
 - \$75,000 Fire Operations
 - Pop. 2021 Est. census.gov 1,904
 - \$39.39 per capita

Salaries of departments who hired in last year - Firefighter 56 Hour

<u>Department</u>	<u>Starting</u>	<u>Ending</u>
Comstock	\$ 54,046	\$ 59,841
Grand Rapids	\$ 52,904	\$ 80,827
Independence	\$ 50,373	\$ 77,616
Holland	\$ 59,082	\$ 76,275
Inkster	\$ 38,584	\$ 51,620
Jackson	\$ 46,811	\$ 70,453
Kentwood	\$ 49,431	\$ 73,589
Oshtemo	\$ 54,837	\$ 63,478
Portage	\$ 48,384	\$ 75,055
Traverse City	\$ 50,057	\$ 57,425
Wyoming - 50.4 Hour FF	\$ 61,196	\$ 75,165
 Average	 \$ 51,428	 \$ 69,213
Median	\$ 50,373	\$ 73,589

Options to consider

24 Hr FF - Grade 4	\$ 48,458	\$ 58,127
Hourly rate at 2912 scheduled hours	\$ 16.6409	\$ 19.9612
Hourly rate at 2080 hours a year (AMO)	\$ 23.2973	\$ 27.9457
 24 Hr FF - Grade 5	 \$ 52,960	 \$ 63,547
Hourly rate at 2912 scheduled hours	\$ 18.1868	\$ 21.8225
Hourly rate at 2080 hours a year (AMO)	\$ 25.4615	\$ 30.5514
 24 Hr FF - Grade 5.5	 \$ 52,960	 \$ 70,823
Hourly rate at 2912 scheduled hours	\$ 18.1868	\$ 24.3211
Hourly rate at 2080 hours a year (AMO)	\$ 25.4615	\$ 34.0495
 Fire Marshal - Grade 6	 \$ 60,355	 \$ 72,435
Hourly rate at 2912 scheduled hours	\$ 20.7263	\$ 24.8747

Committee Recommendation – The committee recommends full-time firefighters be compensated according to the Charter Township of Kalamazoo grade five (5) wage scale.

Salaries of departments who hired FF's in last year - Shift Supervisor working 56 hr

<u>Department</u>	<u>Starting</u>	<u>Ending</u>
Comstock - Capt.	\$ 63,636	\$ 63,636
Grand Rapids - BC	\$ 96,940	\$ 96,940
Independence - Capt.	\$ 88,482	\$ 91,587
Holland - Lt/Sgt.	\$ 66,767	\$ 86,202
Inkster - Capt.	\$ 58,895	\$ 58,895
Jackson - BC	\$ 58,861	\$ 77,658
Kentwood - BC	\$ 90,309	\$ 90,309
Oshtemo - Capt	\$ 68,266	\$ 68,266
Portage - BC	\$ 80,867	\$ 82,484
Traverse City - Capt.	\$ 63,553	\$ 68,046
Wyoming - 50.4 hour Capt.	\$ 70,986	\$ 87,519
 Average	 \$ 73,415	 \$ 79,231
Median	\$ 68,266	\$ 82,484

Options to consider

Battalion Chief - Grade 7	\$ 65,293	\$ 78,360
Hourly rate at 2912 scheduled hours	\$ 22.4220	\$ 26.9093
 Battalion Chief - Grade 7.5	 \$ 65,293	 \$ 82,500
Hourly rate at 2912 scheduled hours	\$ 22.4220	\$ 28.3310
 Deputy Chief - Grade 8	 \$ 74,364	 \$ 89,246
Hourly rate at 2912 scheduled hours	\$ 25.5371	\$ 30.6477

Committee Recommendation – The committee recommends battalion chiefs be compensated according to a 7.5 grade scale (halfway between grade 7 and grade 8, with the same 20% increase from step 1 to step 7).

Recommended Wage Scale: Battalion Chief – Grade 7.5*

	<i>Step 1</i>	<i>Step 2</i>	<i>Step 3</i>	<i>Step 4</i>	<i>Step 5</i>	<i>Step 6</i>	<i>Step 7</i>
Hourly**	\$23.98			\$26.38			\$28.78
Bi-weekly	\$2,685.71	\$2,775.23	\$2,864.78	\$2,954.28	\$3,043.80	\$3,133.33	\$3,222.85
Annual	\$69,829			\$76,821			\$83,803

Retirement plans of departments who hired in last year

<u>Department</u>	<u>Retirement</u>
Comstock	13% defined contribution
Grand Rapids	Defined benefit, 2.0% (employee can elect up to 2.8%)
Independence	20% defined contribution, 5% employee
Holland	10.5% defined contribution, 6% employee
Inkster	Defined benefit, 2.75%
Jackson	Defined benefit 1.5% AND 3% defined contribution
Kentwood	9% defined contribution
Oshtemo	8% defined contribution
Portage	12% defined contribution with 2% employee match
Traverse City	Defined benefit, 2.0%
Wyoming	8% defined contribution

Summary	4 Defined Benefit, 8 Defined Contribution (One both)
Range	Defined benefit 1.5% to 2.8% multiplier
Range	Defined contribution 8%-20%

Options to consider

- 13-17.5% Defined Contribution (create fire division Class V)
- 12% Defined Contribution (move all fire to Class IV)
- 10% Defined Contribution (existing Class III)

Committee Recommendation – The committee agreed to recommend a 12% defined contribution for fire personnel (move all fire to Class IV). Supervisor Martin added the stipulation that there should be additional incentives related to retiree healthcare, as well.

Retiree health of departments who hired in last year

<u>Department</u>	<u>Retiree Health</u>
Comstock	HSA \$5,000 yearly family \$2,500 yearly single (9.8% of starting salary)
Grand Rapids	HCRSP \$1,750 yearly (3.3% of starting salary)
Independence	HCRSP 3% of pay
Holland	After retire at 50 years of age or later, until 65 \$650 a month payment for premiums
Inkster	HCRSP \$2,000 yearly (4.3% of starting salary)
Jackson	HCRSP \$3,000 yearly (6.4% of starting salary)
Kentwood	HCRSP \$1,560 yearly (3.2% of starting salary)
Oshtemo	HCRSP \$3,600 yearly (6.6% of starting salary)
	Floating scale based on fund balance, employer contributes \$200,000 a year. Currently covers approx. \$1,500 a month per month per retiree, including past 65 years of age.
Portage	Must be 55 and 25 years of service to be eligible
Traverse City	HCRSP 2% of pay
Wyoming	HCRSP 4% of pay

Harder to quantify averages and median, but above market average because it is a defined benefit;
however, age to attain & accrual not in line with market

Options to consider

*4.2 months/year of service Max cap of Medicare Age, drop age requirement, vested after 10

<u>Years of Service</u>	<u>Months Earned</u>	<u>Years Earned</u>	<u>Min. Retirement Age to get to Medicare</u>
20	84	7	58
25	105	8.75	56.25
30	126	10.5	54.5
25/30 plus years of service or Age 55 guarantee until Medicare?			

*4 months/year of service Max cap of Medicare Age, drop age requirement, vested after 10

<u>Years of Service</u>	<u>Months Earned</u>	<u>Years Earned</u>	<u>Min. Retirement Age to get to Medicare</u>
20	80	6.666666667	58.33333333
25	100	8.333333333	56.66666667
30	120	10	55
25/30 plus years of service or Age 55 guarantee until Medicare?			

*3.5 months/year of service Max cap of Medicare Age, drop age requirement, vested after 10

<u>Years of Service</u>	<u>Months Earned</u>	<u>Years Earned</u>	<u>Min. Retirement Age to get to Medicare</u>
20	70	5.833333333	59.16666667
25	87.5	7.291666667	57.70833333
30	105	8.75	56.25
25/30 plus years of service or Age 55 guarantee until Medicare?			

*3 months/year of service Max cap of Medicare Age, drop age requirement, vested after 10

<u>Years of Service</u>	<u>Months Earned</u>	<u>Years Earned</u>	<u>Min. Retirement Age to get to Medicare</u>
20	60	5	60
25	75	6.25	58.75
30	90	7.5	57.5

25/30 plus years of service or Age 55 guarantee until Medicare?

The committee agreed that defined benefit is of greater benefit to the employee than defined contribution. BC Baird noted the current age to attain accrual is not in line with the market for public safety employees. The committee noted it is important to balance recruitment and retention, as well as benefit to the employee with incurred liability by the Township.

BC Baird stated there is currently no benefit for the employee upon separation before age 55. The current accrual is three (3) months per year of service with vesting after 10 years of service and reaching age 55 with a cap of 5 years of coverage. BC Baird believes, at minimum, retiring at age 55 should be a guarantee to coverage until the employee qualifies for Medicare.

The current accrual for the police officers is 25 years of service with a minimum age of 53 years. Although you can leave with some coverage before reaching “25 and 53” and earn some coverage for years of service up to that point, you will be covered until the qualifying age for Medicare if you stay until you have reached “25 and 53”.

Committee Recommendation – Consult with Burnham and Flower for risk assessment, as well as Finance Director for cost projections, in order to make an informed decision regarding the fundability for different retiree healthcare plans. Specifically, ask Nancy to compare three (3) months accrued versus four (4) months accrued per year of service. Also identify costs associated with other variables, including vesting schedules and number of years of service and age to a guaranteed benefit until Medicare.

Vacation & sick leave of departments who hired in last year

<u>Department</u>	<u>Vacation Start</u>	<u>Vacation End</u>	<u>Sick Start</u>	<u>Sick End</u>	<u>Years to max</u>
Comstock	112	256	96	96	15
Grand Rapids	80	200	288	288	16
Independence	264	576			20
Holland	192	408	144	144	24
Inkster	264	408	144	144	15
Jackson	168	312	144	144	20
Kentwood	97	230	144	144	12
Oshtemo	88	408			15
Portage	120	240	144	144	19
Traverse City	72	288	96	96	17
Wyoming	120	240	144	144	11
Average	143.3636364	324.1818182	149.3333	149.333	16.72727273
Median	120	288	144	144	16
Current KTWP for RSO	240	720	288	288	29
Current KTWP for 40 hr	80	240	96	96	29

Proposed - 5 Tiers, 0-3 years, 3-7 years, 7-11 years, 11-17 years, 17+ years –
Max allowed accrued 18 months vacation, 260 months sick

56 hr	120	360	144	144	17
40 hr	80	240	96	96	17

*Sick or vacation leave to be counted as hours worked for purposes of any overtime needs/calculations

BC Baird noted he is not recommending an increase in total amount of vacation and sick time accrued, but he is proposing a decrease in the years of service required to reach maximum accrual.

Committee Recommendation – The committee agreed to recommend a compromise between the current accrual structure and BC Baird’s proposed accrual timeline for vacation time (see below). The committee agreed to recommend 12 hours of accrued sick time per month (1.5 times the Township 40-hour employee accrual) with a maximum accrual of 3,120 hours of sick time.

Years of Service	Monthly Accrued Time	Yearly Accrued Time	Maximum Accrued Time
0 through 3 years	10.0 hours	120.0 hours	180.0 hours
3 years, 1 month through 8 years	15.0 hours	180.0 hours	270.0 hours
8 years, 1 month through 14 years	20.0 hours	240.0 hours	360.0 hours
14 years, 1 month through 21 years	25.0 hours	300.0 hours	450.0 hours
21 years, 1 month and up	30.00 hours	360.0 hours	540.0 hours



1720 Riverview Drive
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Tele: (269) 381-8080
Fax: (269) 381-3550
www.ktwp.org

AGENDA ITEM REQUEST FORM

AGENDA ITEM NO: 9F 05082023

FOR MEETING DATE: May 8, 2023

SUBJECT: Police Department Contracts

REQUESTING DEPARTMENT: Police Department

SUGGESTED MOTION:

To approve the Kalamazoo Township Police Department Contracts.

Financing Cost _____

Source: General Fund _____ Grant _____ Other _____

Are these funds currently budgeted? Yes X No _____

Other comments or notes: Kalamazoo Township Police Department Contracts

Submitted by: Bryan N. Ergang, Chief of Police

Recommendation:

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