

Township of Brady
County of Saginaw, Michigan
Ordinance No. 05-2025

Adoption: May 7, 2025
Publication: May 18, 202
Effective Date: June 17, 2025

An ordinance to provide for the local effectuation and regulation and inspection of fencing and fences geographically located in the Township of Brady, County of Saginaw, State of Michigan, and other related matters; to provide a title; to provide a purpose for the instant Ordinance; to provide definitions for interpretation of the instant Ordinance; to provide for severability; to address inconsistent ordinances; to direct publication; to address pending proceedings; to provide for repeal; to provide an effective date; to further and facilitate the health, safety and welfare of the residents, property owners, and proprietors of the Township of Brady.

THE TOWNSHIP OF BRADY ORDAINS:

Section 1. Short Title:

- a) This ordinance shall be known as "The Township of Brady Fence Ordinance."

Section 2: Purpose.

- a) It is the purpose of this Ordinance to provide for the local effectuation, control and regulation of the erection, construction, inspection, and existence of fence(s) that exist or are proposed to exist within the geographic boundaries of the Township of Brady.

Section 3: Definitions.

- a) Except as otherwise provided herein, all terms used in this Ordinance shall be given their plain and ordinary meaning. A dictionary may be consulted to provide assistance with the interpretation of any undefined term as used in this Ordinance.
- i. "AGRICULTURAL USE" means the operation and management of a farm or a condition or activity that occurs at any time as necessary on a farm in connection with the commercial production, harvesting, and storage of farm products.

- ii. "CORNER LOT" means a lot abutting two or more streets at their intersection.
- iii. "DECORATIVE FENCE" means a permanent barrier not used for enclosure such as a trellis.
- iv. "FARM" means the land, plants, animals, buildings, structures, including ponds used for agricultural or aquacultural activities, machinery, equipment, and other appurtenances used in the commercial production of farm products.
- v. "FARM PRODUCT" means those plants and animals useful to human beings produced by agriculture and includes, but is not limited to, forages and sod crops, grains and feed crops, field crops, dairy and dairy products, poultry and poultry products, cervidae, livestock, including breeding and grazing, equine, fish, and other aquacultural products, bees and bee products, berries, herbs, fruits, vegetables, flowers, seeds, grasses, nursery stock, trees and tree products, mushrooms, and other similar products, or any other product which incorporates the use of food, feed, fiber, or fur, as determined by the Michigan commission of agriculture.
- vi. "FENCE" or "FENCING" means any wall (except a retaining wall), screen, partition, or similar structure existing on a yard, which either encloses or divides land into distinct areas, separates contiguous properties, obstructs the passage of light and air into adjacent land, or obstructs the vision of motorists or pedestrians on or near public roads. A FENCE or FENCING shall not be interpreted to constitute a structure.
- vii. "FRONT LOT LINE" means the line abutting the street, or in the case of a lot abutting more than one street, the boundary line fronting the same street as parallel adjoining lots of similar shape and size.
- viii. "HEDGE" means a fence or boundary formed by a dense row of plantings, shrubs, bushes, planted or otherwise constructed or grown in a continuous line so as to be a barrier to sight of ingress or egress.
- ix. "HEIGHT" shall be measured as the vertical distance from the highest point of the fence to the average grade of the ground immediately beneath the fence.

- x. "REAR YARD" means a yard extending the full width of the lot from the rear line of the main building to the rear lot line.
- xi. "SIDE YARD" means a yard between the main building and the side line of the lot, and extending from the front yard line to the rear yard line.
- xii. "WALL" means a fence built of solid material such as stone, brick, concrete or timbers (as used in a retaining wall).

Section 4: Permits

- a) An application and permit is required to erect, construct, and/or build a fence except in the cases of agricultural use. Permit application and procedures will be maintained by the Brady Township building inspector.

Section 5. Fence Types and Construction

- a) **Chain Link:** Chain link fences shall be constructed of materials specifically designed by fence manufactures for such use. All materials used in the erection and/or construction of a fence(s) shall be of good, commercially-reasonable quality. All Fences shall have top rails between supporting posts and caps on end or corner posts. All Fence posts shall be placed on the inside of the property line of the Property Owner erecting the fence. Agricultural wire fences such as chicken wire fence(s) or hog wire fence(s) are prohibited except for agricultural use(s). All Fence support posts must be buried into the ground a minimum of 48 inches below actual grade.
- b) **Wood:** Wood fences shall be of picket, solid, stockade, split-rail or basket weaves design. Plywood, particle board, OSB or other sheet material is prohibited for fence facing. Fence posts shall be placed on the inside of the property line of the owner erecting the fence and be buried a minimum of 48" into the ground below actual grade.
- c) **Masonry:** Masonry fences or walls shall be of brick, decorative block, pre-cast reinforced or cast in place concrete and erected on approved footings and foundations. Walls shall be capped with a peaked coping of sufficient pitch to discourage walking.
- d) **Privacy:** Privacy fences may be erected of any of the materials referenced in the preceding paragraphs. Sheet metal, old doors, pallets, etc. are prohibited.

Section 6. General Conditions

a) Location

- i. Establishing or locating the correct property line between lots is the sole responsibility of the owner and not of Brady Township. A survey by a licensed surveyor is recommended.
 - ii. Any fence shall be located entirely on the property for which the permit is issued. No fence, or portion thereof, including electric fences and/or barbed wire, may extend into or over another's property, right-of-way, or an established walkway such as a sidewalk, with the exception of gates as noted elsewhere in this ordinance. Gates or sections of the fence may swing into or over a private walkway provided there are no hazardous sections such as barbed wire which may cause serious intentional bodily harm. However, adjoining property owners may jointly apply for a fence permit, in which case the Zoning Department may permit it to be constructed on their common property line. A fence shall not be attached to or touch a fence located on another owner's lot without the express written agreement of the owners of both fences. In every case, fences must be constructed with adequate posts and other supports so that each fence is capable of maintaining a rigid and upright position in compliance with the locations described in the original application.
- b. **Construction:** All fences constructed or reconstructed shall be made of materials and in a manner esthetically compatible with the neighborhood and of new material, used materials are prohibited unless approved by the Zoning Administrator.
- c. **Maintenance:** Fences are to be maintained in a safe and neat condition and permit a clear line of vision to all modes of traffic: wheeled, pedestrian, etc.
- d. **Corner clearance.** Fences located adjacent to a street or driveway shall be designed to provide unobstructed sight distance for drivers.

Section 7. General Restrictions.

- a) The finished face of any fence or wall shall face the outside of the permit holder's property with the visible posts or supports located on the inside of the fence or wall, unless:
 - i. The fence is so constructed that both sides of the fence are the same (such as board on board or shadow box fence), or

- ii. The adjoining property owner consents in writing to allow the visible posts or supports to be located on the outside of the fence, and such written consent shall accompany the application for a fence permit.
- b) No fence or wall shall be constructed on private property, in whole or in part, of barbed wire or razor wire.
- c) No fence or wall shall be electrically charged or connected to an electrical current, except for a fence installed below ground as an element of an animal control system.
- d) No fence or wall shall be constructed closer than one (1) foot back from the side and rear property lines to permit maintenance of the fence. Fences must be five (5) feet back from the front right-of-way line.
- e) Shrubs are prohibited in front of fences located in front yards or side yards which are adjacent to public rights-of-way.
- f) No fence or wall, except public fences or fences in Industrial zoned areas, over six (6) feet in height measured from the surface of the ground shall be erected in a rear yard area or side yard area not abutting a road right-of-way. No fence over 36 inches feet in height measured from the surface area of the ground shall be erected in a front yard area or a side yard area or a rear yard area adjoining a road right-of-way, and a minimum of fifty percent (50%) of the surface area of a fence adjoining a road right-of-way shall be open to permit visibility through same.
- g) In Industrial or commercially zoned areas fences and walls may be constructed up to eight (8) feet in height measured from the surface of the ground in a rear yard area or side yard area not abutting a road right-of-way. No fence over four (4) feet in height measured from the surface area of the ground shall be erected in a front yard area or a side yard area or rear yard area adjoining a road right-of way, and a minimum of fifty percent (50%) of the surface area of a fence adjoining a road right-of-way shall be open to permit visibility through same.
- h) Finished appearance. If, because of the design or construction, one side of the fence has a more finished appearance than the other, the side of the fence with the more finished appearance shall face the exterior of the lot with the following exceptions:
 - i. When a fence is approved for construction under a joint permit as provided for in this section, the joint permit holders shall determine the preferred orientation of the more finished side of the fence along the common property lines of the joint permit holders.
 - ii. An owner of abutting property may waive the right for the more finished side of a fence to face his abutting property. Such waiver

of right must be in the form of a written consent statement, signed by the owner of the property where the fence would face under the normal requirements of this section.

- iii. The written consent statement shall be attached to the permit application and maintained with permit records.
- i) Obstruction to use of adjoining property. No fence shall be erected where it would prevent or unreasonably obstruct the use of adjacent property, nor shall a fence be erected where it would obstruct or prevent the continued safe use of an existing driveway or other means of access to adjacent property. In enforcing this provision, Brady Township may require a fence to be set back a minimum distance, as noted elsewhere in the ordinance from a driveway, street, sidewalk or property line in order to provide for the safe passage of pedestrians, bicyclists or vehicular traffic or other safety related concerns.
- j) Fence maintenance: Fences shall be maintained in good condition. All fences shall be the responsibility of the owner of the property on which it is placed. Rotten or broken components shall be replaced, repaired or removed, as necessary or required. Surfaces shall be painted, stained or otherwise treated with materials to protect and preserve the fence and provide an attractive finish. If a fence is found to be in need of repair, Brady Township shall issue orders to complete such repairs. Failure to comply with written notice to the property owner of record by the Zoning Department shall be deemed a violation of this chapter and subject to a Municipal Civil Infraction.

Section 8. Non-Conforming Fences.

- a) Fences that are removed or dismantled for any length of time whatsoever after the passage of this ordinance and being re-constructed are subject to the guidelines of this ordinance.

Section 9. Inconsistent Ordinances

- a) All other Ordinances of the Township inconsistent with the provisions of this Ordinance are, to the extent of such inconsistency, superseded by this Ordinance. Provided, however, said repeal shall not abate any action now pending under or by virtue of the Ordinance or any parts thereof herein repealed, nor shall said repeal discontinue, abate, modify, or alter any penalty accrued or to occur or affect the rights of any person, firm or corporation, or waive any rights of this Township under any section or provision of the Ordinance, or any part thereof, herein, repealed existing at the time of the passage of this Ordinance.

Section 10. Enforcement

- a) If a violation of this Ordinance has occurred by any person or entity or persons or entities, then the Township may initiate a court action seeking a monetary fine and/or an order and/or judgment to enforce the terms of this Ordinance and for the Township to be reimbursed for the entirety of its expenses associated with an Ordinance Prosecution under this Ordinance (including actual attorney's fees

incurred by the Township), as well as any such other relief which may be available to the Township at law or in equity. The owner and/or occupant shall be liable for the entire cost of the Township's removal/elimination/abatement efforts, including any attorney's fee and court costs that the Township incurs related to the violation/the ordinance prosecution. Further, when the Township is forced to remove/eliminate/abate the violation, the owner and/or occupant shall be billed for the actual cost of the work plus an administrative fee of twenty percent (20%) of the actual cost. The cost and the fee shall be in addition to fines and costs assessed upon a finding of responsibility for a municipal civil infraction or misdemeanor.

- b) When the Township has taken action pursuant to this Ordinance to remove/eliminate/abate the violation, the actual cost thereof (plus the administrative fee), as well as the entirety of the costs and attorney's fees incurred by the Township in connection with the violation, shall be charged to the owner of such property on the next regular tax bill forwarded to such owner by the Township, and said charge shall be due and payable by said owner at the time of receipt of such bill.
- c) Where the full amount due to the Township is not paid by such owner within sixty (60) days after the date of billing as provided for in the preceding paragraphs, then the Township shall cause to be recorded in the appropriate Register of Deeds Office, a sworn statement showing the total costs and fees incurred by the Township to remove/eliminate/abate the violation of this Ordinance, the date any work was done, and the location of the property at which the work was effectuated. The sworn statement shall constitute a lien on the subject property which shall remain in full force and effect for the amount due in principal and interest, plus any court costs for collection, until final payment has been made. The Township may also take action to obtain a lien on any other real or personal property located in the State of Michigan, in which the owner of the violative property has an interest. Said lien(s), costs, fees and expenses shall be collected in the manner fixed by law for the collection of general property taxes. The Township may also commence a civil action against the property owner/occupant for seeking to collect any monies owed. In the civil action contemplated in the preceding sentence, the property owner/occupant shall be liable for the entirety of the attorney's fees and costs incurred by the Township, regardless of the result of the civil action. Any lien described herein be collected and treated in the same manner as provided for property tax liens under the general property tax act, Public Act 206 of the Michigan Public Acts of 1983, as amended, being Section 211.1 *et seq.*, of the Michigan Compiled Laws.
- d) Any violation of this Ordinance or any failure to comply with the provisions of this Ordinance on the first offense shall be deemed a municipal civil infraction punishable by a fine not to exceed \$250. In addition to the civil fine provided in this ordinance, the township shall also recover the entirety of its costs, including all direct and indirect expenses to which the township has incurred in connection with the violation, including but not limited to all costs and attorney's fees incurred by the Township in connection with the Ordinance violation. A violator of this ordinance shall also be subject to such additional sanctions, remedies and judicial orders as are authorized under Michigan law.
- e) Any subsequent violation of, or any failure to comply with the provisions of, this Ordinance shall be deemed a misdemeanor and shall be punishable by a fine not to exceed \$500 or by imprisonment not to exceed 90 days or both. Each day that a

violation of this Ordinance is continued or permitted to exist without compliance shall constitute a separate offense punishable, upon conviction, in the manner prescribed in this section; provided, no person shall be imprisoned for a single, but continuing violation of this Ordinance for a period of longer than 90 days. In addition to the civil fine provided in this ordinance, the township shall also recover the entirety of its costs, including all direct and indirect expenses to which the township has incurred in connection with the violation, including but not limited to all costs and attorney's fees incurred by the Township in connection with the Ordinance violation. A violator of this ordinance shall also be subject to such additional sanctions, remedies and judicial orders as are authorized under Michigan law.

Section 11. Invalidity.

If any section, paragraph, sentence, clause, phrase or part of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance, which shall remain in full force and effect and to this end, the provisions of this Ordinance are hereby declared to be severable. The Township Board hereby declares that it would have enacted and adopted this Ordinance without the provision(s) or part(s) thereof that have been deemed invalid.

Section 12. Publication.

The Brady Township Clerk is hereby directed to forthwith cause publication of this Ordinance, or a legally-permitted summary, as required by law.

Section 13. Pending Proceedings Not Affected.

Nothing in this ordinance shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

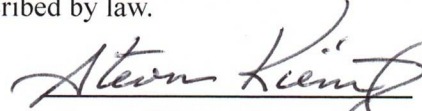
Section 14. Repeal.

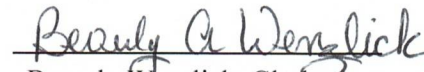
All ordinances of the Township of Brady inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

Section 15. Effective Date.

This Ordinance shall become effective the 30th day from summary publication after adoption.

This Ordinance is hereby declared to have been adopted by the Brady Township Board of Trustees, County of Saginaw, State of Michigan, at a regular meeting held on May 7, 2025, and ordered to be given publication in the manner prescribed by law.


Steven Kienitz, Supervisor


Beverly Wenzlick, Clerk

Date of Publication: May 18, 2025

Newspaper: Tri-County Citizen

CERTIFICATION

ADOPTED

YEAS: Kienitz, Haney, Corrin, Wenzlick

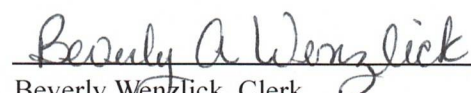
NAYS: None

ABSENT: Goodrich

STATE OF MICHIGAN)
COUNTY OF SAGINAW)

I the undersigned Township Clerk for the Township of Brady, Saginaw County, Michigan, certify that the above Ordinance No. 05-2025 adopted by the Township Board of Trustees of the Township on May 7, 2025, was recorded in full in the Minutes of the Meeting of the Township Board of Trustees on said date. It was signed by the Supervisor and Clerk of the Township.

Dated: May 7, 2025


Beverly Wenzlick, Clerk