

Township of Brady
County of Saginaw, Michigan
Ordinance No. 07-2025
Adoption: July 2, 2025
Publication: July 13, 2025
Effective Date: August 12, 2025

An ordinance to provide for the regulation of nuisances 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 and PURPOSE

- a) This ordinance shall be known as "The Township of Brady Nuisance Ordinance."
- b) The purpose of this ordinance is to provide regulation and enforcement against activities or conditions that would render persons insecure in life or the use and enjoyment of their property.

Section 2: 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.
 - a. The word "persons" or "person" as used in this Ordinance means a natural person and also includes corporations, partnerships and associations and their officers and officials existing under or authorized to exist under the laws of the State of Michigan or of any other state or any foreign country.
 - b. The word "nuisance" as used in this Ordinance means any act or acts or omission to act on the part of any person which creates or permits the existence of a situation which annoys, injures or endangers the peace, welfare, order, health or safety of the public in their persons or property. As

defined herein, a nuisance includes but is not limited to conditions which render persons insecure in life or in the use and enjoyment of their property, such as effects and emanations from noise, glare, lights, vibrations, dust, smoke, odor, gas, steam, fly-ash, soot, acids, chemicals, fumes, cinders, worms, insects, rodents, flies, decaying matter, whether such effects and emanations are nature or result from human or mechanical alteration or manipulation of materials. A nuisance also includes residues or leachings from deposits of matter which seep into water on the surface or in the ground thereby making it unfit or unpalatable for human consumption, or for use by domestic animals. A nuisance includes a condition which is indecent, obnoxious, or offensive to the senses.

Section 3: PENALTY

- a) Any person who creates, causes, allows, suffers or permits the existence of a nuisance is responsible for municipal civil infraction as defined by Michigan law and subject to a civil fine as described in the Brady Township Zoning Ordinance (Section 9.4). A violator of this Ordinance shall also be subject to such additional sanctions, remedies, and judicial orders as are authorized under Michigan law. Each day a violation of this Ordinance continues to exist constitutes a separate violation.

Section 4. ABATEMENT

- a) It is the duty of the person who creates, causes, allows, suffers or permits the existence of a nuisance, to abate the same. The term "abate" or "abatement" shall include demolition removal, repair, maintenance, construction, reconstruction, replacement and reconditioning of structures, appliances, appurtenances or equipment; and it shall also include removal, transportation, burying, disposal and treatment of refuse, manure or other substance or media capable of causing obnoxious odors or of attracting and breeding flies, and the application of chemicals, insecticides or other substances or the use of mechanical means to control, eradicate and eliminate the nuisance conditions, including screen-belts of trees and fences.
- b) If the Township intends to abate the nuisance by entering the property and causing the work to be done to repair, tear down, abate, or otherwise remove the nuisance and charge the cost thereof to the property owner, such intent, and the advisement of the owner or occupant that a hearing may be requested within the ten-day period pursuant to Section 6(a) of this ordinance, shall be done. If no hearing is requested in the time allotted, or following a hearing held pursuant to Section 6(a), such nuisance may then be repaired, torn down, abated, or otherwise removed by the Township Ordinance Enforcement Officer or his/her agent and the cost thereof charged as provided in Section 6(b). If the actual owner or occupant of the premises is unknown or cannot be located, notice may be given by posting a copy of such notice upon a conspicuous part of the property where the public nuisance

is located and by mailing a copy of such notice by certified mail, return receipt requested, addressed to the owner or party in interest at the address shown on the Township tax records at least 10 days before further action by the Township Ordinance Enforcement Officer.

Section 5. ENFORCEMENT

- a) Whenever any public nuisance shall exist on private premises within the Township, the Township Ordinance Enforcement Officer or his/her agent shall give notice in writing by certified mail, return receipt requested, addressed to the owner or occupant of the property where the public nuisance exists or to the person otherwise responsible for such public nuisance. Such notice shall specify the locations and nature of the public nuisance and shall indicate that such owner or occupant or person otherwise responsible is required to repair, tear down, abate, or otherwise remove the public nuisance within ten days of the receipt of the notice. Following the issuance of such notice, the Township Ordinance Enforcement Officer or his/her agent may proceed to initiate civil infraction or other civil proceedings permitted by law to abate the public nuisance. If a nuisance is identified by a resident they can fill out a complaint form at the township office and our Township Ordinance Enforcement Officer or his/her agent will follow up on the nuisance.

Section 6. HEARING

- a) If, after notice provided under Section 4(b), the recipient of the notice requests a hearing as therein provided, a hearing shall be held before the Township Supervisor or a hearing officer appointed by the Township Board of Trustees to determine whether a violation of this Ordinance has or is occurring on the property in question. The Township Supervisor or his appointed hearing officer shall make a decision with written findings of facts based upon his investigation and evidence presented at the hearing as to whether the condition in question violates the provisions of this Ordinance. If the Township Supervisor or his/her appointed hearing officer determines that the condition violates the provisions of this Ordinance, he/she shall order the person requesting the hearing or owner or occupant of the premises in question to repair, tear down, abate, or otherwise remove the nuisance in question within a reasonable time, but not less than five days. If the public nuisance is not repaired, torn down, abated, or otherwise removed within the period allowed in the order, the Township Ordinance Enforcement Officer or his/her agent may repair, tear down, abate, or otherwise remove such public nuisance and charge the cost thereof as provided in Section 6(b).

- b) All expenses incurred by the Township Ordinance Enforcement Officer or his/her agent in repairing, tearing down, abating, or otherwise removing a public nuisance under this Ordinance shall be charged to the person responsible therefore, the occupant of the land in question, or the person who appears as owner or party in interest upon the last local tax assessment records of the Township. If such person fails to pay the charge within 30 days after a statement therefore is mailed to him or her, the amount of expenses incurred by the Township in repairing, tearing down, abating, or otherwise removing the nuisance may be paid from the Township general fund and the amount thereof assessed against the lands on which the expenditures were made on the next general assessment roll of the Township and shall be collected in the same manner as other taxes are collected. The Township shall have a lien upon such lands for such expense, such lien to be enforced in the manner prescribed by the general laws of the state providing for the enforcement of tax liens.

Section 7. INCONSISTENT ORDINANCE

- 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 8. 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 9. 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 10. 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.

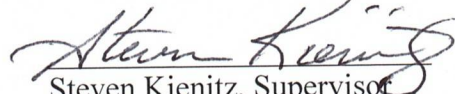
Section 11. REPEAL.

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

Section 12. 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 July 2, 2025, and ordered to be given publication in the manner prescribed by law.


Steven Kienitz, Supervisor


Beverly Wenzlick, Clerk

Date of Publication: July 13, 2025

Newspaper: Tri-County Citizen

CERTIFICATION

ADOPTED

YEAS: Kienitz, Goodrich, Haney, Corrin, Wenzlick

NAYS: None

ABSENT: None

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. 06-2025 adopted by the Township Board of Trustees of the Township on July 2, 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: August 6, 2025

Beverly A Wenzlick
Beverly Wenzlick, Clerk