

**ORDINANCE TO AMEND  
FULTON TOWNSHIP ZONING ORDINANCE  
TO PERMIT MUNICIPAL CIVIL INFRACTIONS**

*An Ordinance to amend the Fulton Township Zoning Ordinance to permit enforcement by the issuance of municipal civil infractions and to repeal all ordinances or parts thereof in conflict therewith.*

**FULTON TOWNSHIP ORDAINS:**

Section 1: Fulton Township hereby amends Section 207 of the Fulton Township Zoning Ordinance to read as follows:

**SECTION 207            ENFORCEMENT, VIOLATIONS, AND PENALTIES**

- A.    *Nuisances per se.* Any building, structure or use constructed, altered, moved or maintained in violation of the provisions of this Ordinance is hereby declared to be a nuisance *per se*.
  
- B.    *Criminal violations.* Violation of a provision of this Ordinance or failure to comply with any of its requirements, including violations of conditions and safeguards established in connection with variances and conditional uses and violations of approved site plans, shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$500.00 or imprisoned for not more than 90 days, or both, and in addition, shall pay all costs and expenses involved in the case. Each day a violation continues shall be considered a separate offense.
  
- C.    *Municipal Civil Infractions.* Persons, firms, corporations or entities in violation of a provision of this Ordinance, including violations of conditions and safeguards established in connection with variances and conditional uses and violations of approved site plans, may be subject to and found responsible for a municipal civil infraction. The schedule of fines for any municipal civil infraction shall be established by the Municipal Civil Infraction Ordinance, as provided for in this Zoning Ordinance, or resolution of the Township Board, not to exceed \$500.00 plus court costs, attorney fees and abatement costs of each violation, together with all other remedies pursuant to MCL 600.8701, *et seq.* Each day a violation continues shall be deemed a separate municipal civil infraction. A schedule of fines for violation of this Ordinance shall be available at the municipal civil infractions bureau.
  
- D.    *Remedies.* In addition to any other remedies, the township may institute proceedings for injunction, mandamus, abatement or other appropriate remedies to prevent, enjoin, abate or remove any violations of this Ordinance. The rights and remedies provided herein are both civil and criminal in nature. The imposition of any fine, jail sentence, or forfeiture shall not exempt the violator from compliance with the provisions of this Ordinance.

Section 2: Fulton Township hereby deletes Section 312 of the Fulton Township Zoning Ordinance and rennumbers Section 313 and all following sections accordingly.

Section 3: The Fulton Township Clerk shall publish a notice of adoption of this Ordinance in a newspaper of general circulation in the Township and copies of this Ordinance shall be available for public use and inspection at the office of the Township Clerk

Section 4: If a court of competent jurisdiction or administrative agency of the State of Michigan declares any provision of this Ordinance to be unenforceable, in whole or in part, such declaration shall only affect the provision held to be unenforceable and shall not affect any other part or provision; provided, that if a court of competent jurisdiction or administrative agency declares a penalty provision to exceed the authority of the Township, the penalty shall be construed as the maximum penalty that is determined by the court to be within the authority of the Township to impose.

Section 5: All other ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 6: This Ordinance shall become effective seven (7) days after publication of notice of adoption, unless referendum procedures are initiated under MCL 125.3402. If referendum procedures are initiated, the Ordinance will take effect in accordance with MCL 125.3402.

Roll call vote taken:

YEAS: 5  
NAYS: 0  
ABSTAIN/ABSENT: 0

ORDINANCE DECLARED ADOPTED.

---

Denise Rossman, Fulton Township Supervisor

### CERTIFICATION

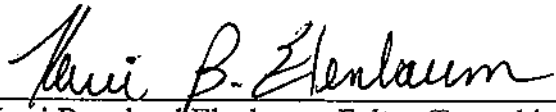
I, Karri Bouchard Elenbaum, Township Clerk of Fulton Township, hereby certify that:

1. The above is a true copy of an Ordinance adopted by the Fulton Township Board at a duly scheduled and noticed meeting of that Township Board held on September 21, 2017, pursuant to the required statutory procedures.
2. Notice of adoption of this Ordinance was duly published in a newspaper that circulates within Fulton Township, on October 12, 2017.

3. Within 1 week after such publication, I recorded this Ordinance in a book of ordinances kept by me for that purpose, including the date of passage of the Ordinance, the names of the members of the township board voting, and how each member voted.

4. I received no notice of proposed referendum on this Ordinance within 7 days after the publication of the notice of adoption or received no sufficient petitions for referendum on this Ordinance within 30 days after the publication of the notice of adoption.

ATTESTED:

  
Karri Bouchard Elenbaum  
Karri Bouchard Elenbaum, Fulton Township Clerk

Dated: Oct 11, 2017

**NOTICE OF ADOPTION  
ZONING ORDINANCE AMENDMENT  
Fulton Township  
Gratiot County, Michigan**

Please take notice that on September 21, 2017, the Fulton Township Board adopted the following Zoning Ordinance Amendment, which amends the Zoning Ordinance to permit the enforcement of the civil infraction process. Copies of the Zoning Ordinance Amendment may be obtained from Karri Bouchard Elenbaum, Fulton Township Clerk, at 3425 W. Cleveland Road, Perrinton, MI 48871.

The Zoning Ordinance Amendment provides, in summary, for the enforcement of the Zoning Ordinance through the civil infraction process by amending Section 207 of the Zoning Ordinance. The Zoning Ordinance Amendment has the following sections and catch lines: Section 1: Amends Section 207 to permit civil infraction citations; Section 2: Deletes Section 312 and renumbers Section 313 accordingly; Section 3: Provides for publication of the notice of adoption; Section 4: Provides for severability of the Ordinance if any part is deemed invalid; Section 5: Repeals any ordinances in conflict; and Section 6: Effectuates the Ordinance as provided by the Michigan Zoning Enabling Act.

Published by Order of the Township Board  
Fulton Township, Gratiot County, Michigan  
Karri Bouchard Elenbaum, Township Clerk  
(989) 236-5102

Publication Date: October 12, 2017