

ORDINANCE NO. 321

**AN ORDINANCE REPEALING ORDINANCE NO. 248;
PROVIDING FOR TOWN COUNCIL TO ACT AS PLANNING
AND ZONING COMMISSION AND BOARD OF ADJUSTMENT;
SUBSTITUTING TOWN COUNCIL FOR PLANNING AND ZONING
COMMISSION IN ANY ORDINANCE OR CODE PROVISION; VALIDATING ALL
ACTIONS HERETOFORE TAKEN; REPEALING ORDINANCES IN CONFLICT;
PROVIDING FOR SEVERANCE; PROVIDING A PENALTY; AND PROVIDING FOR
PUBLICATION**

WHEREAS, Ordinance No. 248, passed and approved by the Town Council of the Town of Fulton on August 21, 2012, established a Planning and Zoning Commission; and

WHEREAS, said Ordinance No. 248 established the duties of the Planning and Zoning Commission; and

WHEREAS, the Town Council of the Town of Fulton has determined that it will be more efficient and cost effective for the Town Council to assume the duties of the Planning and Zoning Commission; and

WHEREAS, establishing the Town Council to perform the duties of the Planning and Zoning Commission will further the health, safety and welfare of the citizens.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF FULTON, TEXAS:

Section 1. Ordinance 248, passed and approved by the Town Council of the Town of Fulton on August 21, 2012, is hereby repealed in its entirety.

Section 2. From and after the effective date of this Ordinance, the Town Council of the Town of Fulton shall assume all the duties ascribed to the Planning and Zoning Commission in said Ordinance 248, and all the duties with regard thereto, including, but not limited to: planning, zoning, platting, permitting and granting of variances provided in State Law are assumed by the Town Council.

Section 3. Any Ordinance, Resolution, rule or regulation, and/or Code of Ordinances of the Town of Fulton that references the Planning and Zoning Commission are hereby amended to insert the Town Council in place of the Planning and Zoning Commission.

Section 4. Any and all actions, decisions or orders heretofore undertaken by the Planning and Zoning Commission are validated and confirmed as valid on behalf of the Town of Fulton. Any and all actions, motions, resolution, ordinances, zoning changes, special use permits, plats and/or variances heretofore granted, authorized or passed by the Town of Fulton Planning and Zoning Commission and/or Town Council are hereby ratified,

validated and of full force and effect unless such action has been or is on the date of passage of this Ordinance subject to challenge in an appropriate court of law.

Section 5. Any Ordinance, Resolution, rule or regulation and/or Code of Ordinances contrary to this Ordinance is hereby repealed to the extent of such conflict.

Section 6. If any provision, section, sentence, clause or phrase of this Ordinance, or the application of this Ordinance to any person or set of circumstances is, for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance shall not be affected thereby, it being the intent of the Town Council in adopting this Ordinance that no portion hereof or provisions or regulations or regulations contained herein, shall become inoperative or fail by reason of any constitutionality of any other portion hereof and all provisions of this Ordinance are declared severable for that purpose.

Section 7. A person violating any term or provision of the Town of Fulton Zoning Ordinance shall be guilty of a misdemeanor and subject to a fine not to exceed \$500.00 upon complaint and conviction. A person commits a separate offense for each day during which a violation is committed, or for possession of each item described under this Ordinance. The culpable mental state required by Chapter 6.02, Texas Penal Code, is specifically negated and dispensed with and a violation is a strict liability offense.

Section 8. This Ordinance shall be published by publishing the caption hereof on two separate occasions in the official newspaper of the Town of Fulton.

PASSED AND APPROVED this the 17th day of April 2024.

TOWN OF FULTON

Kelli Cole
Mayor

ATTEST:

Stephanie Garza
City Secretary

