

# HOUSE BILL No. 5605

March 4, 1992, Introduced by Reps. Munsell, Goss and Dolan and referred to the Committee on Conservation, Recreation and Environment.

A bill to amend section 1 of Act No. 183 of the Public Acts of 1943, entitled as amended

"The county rural zoning enabling act,"

being section 125.201 of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Section 1. Section 1 of Act No. 183 of the Public Acts of  
2 1943, being section 125.201 of the Michigan Compiled Laws, is  
3 amended to read as follows:

4       Sec. 1. (1) The county board of commissioners of a county  
5 in this state may provide by zoning ordinance for the establish-  
6 ment of land development regulations and districts in the por-  
7 tions of the county outside the limits of cities and villages  
8 which regulate the use of land; to meet the needs of the state's  
9 citizens for food, fiber, energy, and other natural resources,  
10 places of residence, recreation, industry, trade, service, and

1 other uses of land; to insure that uses of the land ~~shall be~~  
2 ARE situated in appropriate locations and relationships; to limit  
3 the inappropriate congestion of population and the overcrowding  
4 of land, transportation systems, and other public facilities; to  
5 facilitate adequate and efficient transportation systems, sewage  
6 disposal, and water, energy, education, recreation, and other  
7 public service and facility needs; and to promote public health,  
8 safety, and welfare. For those purposes the county board of com-  
9 missioners may divide the county into districts of a number,  
10 shape, and area as is considered best suited to carry out this  
11 act. The county board of commissioners of a county may use this  
12 act to provide by ordinance for the establishment of land devel-  
13 opment regulations and districts in the portions of the county  
14 outside the limits of cities and villages which apply only to  
15 land areas and activities which are involved in a special program  
16 to achieve specific land management objectives and avert or solve  
17 specific land use problems, including the establishment of land  
18 development regulations and districts in areas subject to damage  
19 from flooding or beach erosion, and for those purposes may divide  
20 the county into districts of a number, shape, and area as is con-  
21 sidered best suited to accomplish those objectives. Land devel-  
22 opment regulations may also be adopted designating or limiting  
23 the location, size of, and the specific uses for which a dwell-  
24 ing, building, or structure may be erected or altered; the mini-  
25 mum open spaces, sanitary, safety, and protective measures that  
26 shall be required for those dwellings, buildings, and structures;  
27 and the maximum number of families which may be housed in a

1 building or dwelling erected or altered. The regulations shall  
2 be uniform for each class of land or buildings throughout each  
3 district, but the regulations in 1 district may differ from those  
4 in other districts. ~~A~~ EXCEPT AS OTHERWISE PROVIDED IN SUBSEC-  
5 TION (2), A county board of commissioners may not under this act,  
6 or under an ordinance adopted pursuant to this act, regulate or  
7 control the drilling, completion, or operation of an oil or gas  
8 well, or any other well drilled for oil or gas exploration pur-  
9 poses and shall not have jurisdiction with reference to the issu-  
10 ance of permits for the location, drilling, completion, opera-  
11 tion, or abandonment of those wells. Jurisdiction over those  
12 wells ~~shall be~~ IS vested exclusively in the supervisor of wells  
13 of the state, as provided in Act No. 61 of the Public Acts of  
14 1939, as amended, being sections 319.1 to 319.27 of the Michigan  
15 Compiled Laws.

16 (2) A COUNTY BOARD OF COMMISSIONERS MAY ADOPT AN ORDINANCE  
17 PURSUANT TO THIS ACT THAT IN A REASONABLE MANNER PROVIDES 1 OR  
18 MORE OF THE FOLLOWING:

19 (A) THE HOURS DURING WHICH OIL, GAS, BRINE, OR ANY OTHER  
20 SUBSTANCE OR MATERIAL IS TRANSPORTED TO OR REMOVED FROM THE SITE  
21 OF AN OIL OR GAS WELL, BUT NOT INCLUDING EITHER OF THE  
22 FOLLOWING:

23 (i) THE PERIOD OF TIME DURING WHICH AN OIL OR GAS WELL IS  
24 ACTUALLY BEING DRILLED.

25 (ii) AN EMERGENCY SITUATION THAT REQUIRES TRANSPORT TO OR  
26 REMOVAL FROM A SITE, IF THE OWNER OR PRODUCER FILES WITH THE

1 SHERIFF AN EXPLANATION OF THE EMERGENCY AND THE NEED FOR EXTENDED  
2 HOURS OF OPERATION.

3 (B) THE ACCESS ROUTES TO AND FROM AN OIL OR GAS WELL.

4 (C) THE APPEARANCE OF THE SITE OF AN OIL OR GAS WELL.

5 (D) THE FILING OF A MANIFEST WITHIN A DESIGNATED PERIOD OF  
6 TIME WITH THE LOCAL HEALTH DEPARTMENT, AS DEFINED IN SECTION 1105  
7 OF THE PUBLIC HEALTH CODE, ACT NO. 368 OF THE PUBLIC ACTS OF  
8 1978, BEING SECTION 333.1105 OF THE MICHIGAN COMPILED LAWS, INDI-  
9 CATING THAT THE DISPOSAL OF BRINE OR ANY OTHER SUBSTANCE IN AN  
10 INJECTION WELL HAS OCCURRED WITHIN THE COUNTY. THE MANIFEST  
11 SHALL LIST THE NATURE AND AMOUNT OF THE DISPOSED SUBSTANCE AND  
12 THE LOCATION AND TIME OF DISPOSAL.

13 (3) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT PERTAIN-  
14 ING TO AN APPEAL FROM THE OPERATION OF THIS ACT OR AN ORDINANCE  
15 ADOPTED PURSUANT TO THIS ACT, AN APPEAL FROM AN ORDINANCE  
16 DESCRIBED IN SUBSECTION (2) SHALL BE FILED WITH THE SUPERVISOR OF  
17 WELLS CREATED PURSUANT TO ACT NO. 61 OF THE PUBLIC ACTS OF 1939.

18 Section 2. This amendatory act shall not take effect unless  
19 all of the following bills of the 86th Legislature are enacted  
20 into law:

21 (a) Senate Bill No. \_\_\_\_\_ or House Bill No. 5604  
22 (request no. 04502'91).

23 (b) Senate Bill No. \_\_\_\_\_ or House Bill No. 5606  
24 (request no. 05611'92).