

HOUSE BILL No. 5606

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

A bill to amend section 1 of Act No. 184 of the Public Acts
of 1943, entitled as amended
"The township rural zoning act,"
being section 125.271 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 1 of Act No. 184 of the Public Acts of
2 1943, being section 125.271 of the Michigan Compiled Laws, is
3 amended to read as follows:

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

1 trade, service, and other uses of land; to insure that use of the
2 land shall be situated in appropriate locations and relation-
3 ships; to limit the inappropriate overcrowding of land and con-
4 gestion of population, transportation systems, and other public
5 facilities; to facilitate adequate and efficient provision for
6 transportation systems, sewage disposal, water, energy, educa-
7 tion, recreation, and other public service and facility require-
8 ments; and to promote public health, safety, and welfare. For
9 these purposes, the township board may divide the township into
10 districts of such number, shape, and area as it considers best
11 suited to carry out this act. The township board of an organized
12 township may use this act to provide by ordinance for the regula-
13 tion of land development and the establishment of districts which
14 apply only to land areas and activities which are involved in a
15 special program to achieve specific land management objectives
16 and avert or solve specific land use problems, including the reg-
17 ulation of land development and the establishment of districts in
18 areas subject to damage from flooding or beach erosion, and for
19 that purpose may divide the township into districts of a number,
20 shape, and area considered best suited to accomplish those
21 objectives. Ordinances regulating land development may also be
22 adopted designating or limiting the location, the height, number
23 of stories, and size of dwellings, buildings, and structures that
24 may be erected or altered, including tents and trailer coaches,
25 and the specific uses for which dwellings, buildings, and struc-
26 tures, including tents and trailer coaches, may be erected or
27 altered; the area of yards, courts, and other open spaces, and

1 the sanitary, safety, and protective measures that shall be
2 required for the dwellings, buildings, and structures, including
3 tents and trailer coaches; and the maximum number of families
4 which may be housed in buildings, dwellings, and structures,
5 including tents and trailer coaches, erected or altered. The
6 provisions shall be uniform for each class of land or buildings,
7 dwellings, and structures, including tents and trailer coaches,
8 throughout each district, but the provisions in 1 district may
9 differ from those in other districts. ~~—A—~~ EXCEPT AS OTHERWISE
10 PROVIDED IN SUBSECTION (2), A township board shall not regulate
11 or control the drilling, completion, or operation of oil or gas
12 wells, or other wells drilled for oil or gas exploration purposes
13 and shall not have jurisdiction with reference to the issuance of
14 permits for the location, drilling, completion, operation, or
15 abandonment of those wells. The jurisdiction relative to wells
16 ~~shall be~~ IS vested exclusively in the supervisor of wells of
17 this state, as provided in Act No. 61 of the Public Acts of
18 1939, being sections 319.1 to 319.27 of the Michigan Compiled
19 Laws.

20 (2) THE GOVERNING BOARD OF A CHARTER TOWNSHIP MAY ADOPT AN
21 ORDINANCE PURSUANT TO THIS ACT THAT IN A REASONABLE MANNER PRO-
22 VIDES 1 OR MORE OF THE FOLLOWING:

23 (A) THE HOURS DURING WHICH OIL, GAS, BRINE, OR ANY OTHER
24 SUBSTANCE OR MATERIAL IS TRANSPORTED TO OR REMOVED FROM THE SITE
25 OF AN OIL OR GAS WELL, BUT NOT INCLUDING EITHER OF THE
26 FOLLOWING:

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

3 (ii) AN EMERGENCY SITUATION THAT REQUIRES TRANSPORT TO OR
4 REMOVAL FROM A SITE, IF THE OWNER OR PRODUCER FILES WITH THE
5 SHERIFF AN EXPLANATION OF THE EMERGENCY AND THE NEED FOR EXTENDED
6 HOURS OF OPERATION.

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

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

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

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

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

25 (a) Senate Bill No. _____ or House Bill No. 5605
26 (request no. 04002'91).

1 (b) Senate Bill No. _____ or House Bill No. 5604
2 (request no. 04502'91).