

HOUSE BILL No. 5625

March 4, 1998, Introduced by Rep. Law and referred to the Committee on Forestry and Mineral Rights.

A bill to amend 1943 PA 184, entitled
"Township zoning act,"
by amending section 1 (MCL 125.271), as amended by 1996 PA 47.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. (1) The township board of an organized township in
2 this state may provide by zoning ordinance for the regulation of
3 land development and the establishment of districts in the por-
4 tions of the township outside the limits of cities and villages
5 which regulate the use of land and structures; to meet the needs
6 of the state's citizens for food, fiber, energy, and other natu-
7 ral resources, places of residence, recreation, industry, trade,
8 service, and other uses of land; to insure that use of the land
9 shall be situated in appropriate locations and relationships; to
10 limit the inappropriate overcrowding of land and congestion of
11 population, transportation systems, and other public facilities;

1 to facilitate adequate and efficient provision for transportation
2 systems, sewage disposal, water, energy, education, recreation,
3 and other public service and facility requirements; and to pro-
4 mote public health, safety, and welfare. For these purposes, the
5 township board may divide the township into districts of such
6 number, shape, and area as it considers best suited to carry out
7 this act. The township board of an organized township may use
8 this act to provide by ordinance for the regulation of land
9 development and the establishment of districts which apply only
10 to land areas and activities which are involved in a special pro-
11 gram to achieve specific land management objectives and avert or
12 solve specific land use problems, including the regulation of
13 land development and the establishment of districts in areas
14 subject to damage from flooding or beach erosion, and for that
15 purpose may divide the township into districts of a number,
16 shape, and area considered best suited to accomplish those
17 objectives. Ordinances regulating land development may also be
18 adopted designating or limiting the location, the height, number
19 of stories, and size of dwellings, buildings, and structures that
20 may be erected or altered, including tents and trailer coaches,
21 and the specific uses for which dwellings, buildings, and struc-
22 tures, including tents and trailer coaches, may be erected or
23 altered; the area of yards, courts, and other open spaces, and
24 the sanitary, safety, and protective measures that shall be
25 required for the dwellings, buildings, and structures, including
26 tents and trailer coaches; and the maximum number of families
27 which may be housed in buildings, dwellings, and structures,

1 including tents and trailer coaches, erected or altered. The
2 provisions shall be uniform for each class of land or buildings,
3 dwellings, and structures, including tents and trailer coaches,
4 throughout each district, but the provisions in 1 district may
5 differ from those in other districts.

6 (2) ~~A~~ EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (3), A
7 township board shall not regulate or control the drilling, com-
8 pletion, or operation of oil or gas wells, or other wells drilled
9 for oil or gas exploration purposes and shall not have jurisdic-
10 tion with reference to the issuance of permits for the location,
11 drilling, completion, operation, or abandonment of those wells.
12 The jurisdiction relative to wells shall be vested exclusively in
13 the supervisor of wells of this state, as provided in part 615
14 ~~(supervisor of wells)~~ of the natural resources and environmen-
15 tal protection act, ~~Act No. 451 of the Public Acts of 1994,~~
16 ~~being sections 324.61501 to 324.61527 of the Michigan Compiled~~
17 ~~Laws~~ 1994 PA 451, MCL 324.61501 TO 324.61527.

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

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

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

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

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

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

7 (D) THE FILING OF A MANIFEST WITHIN A DESIGNATED PERIOD OF
8 TIME WITH THE LOCAL HEALTH DEPARTMENT AS DEFINED IN SECTION 1105
9 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.1105, INDICATING
10 THAT THE DISPOSAL OF BRINE OR ANY OTHER SUBSTANCE IN AN INJECTION
11 WELL HAS OCCURRED WITHIN THE COUNTY. THE MANIFEST SHALL LIST THE
12 NATURE AND AMOUNT OF THE DISPOSED SUBSTANCE AND THE LOCATION AND
13 TIME OF DISPOSAL.

14 (4) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT PERTAIN-
15 ING TO AN APPEAL FROM THE OPERATION OF THIS ACT OR AN ORDINANCE
16 ADOPTED PURSUANT TO THIS ACT, AN APPEAL FROM AN ORDINANCE
17 DESCRIBED IN SUBSECTION (3) SHALL BE FILED WITH THE SUPERVISOR OF
18 WELLS PURSUANT TO PART 615 OF THE NATURAL RESOURCES AND ENVIRON-
19 MENTAL PROTECTION ACT, 1994 PA 451, MCL 324.61501 TO 324.61527.

20 (5) ~~-(2)-~~ An ordinance adopted pursuant to this act is
21 subject to the electric transmission line certification act.