

09/02/2014

ORDINANCE NO. _____

AN ORDINANCE TO ADD NEW SECTION 138-4.425 AND RE-NUMBER EXISTING SECTIONS 138-4.425 THROUGH 138-4.445 OF CHAPTER 138, ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF ROCHESTER HILLS, OAKLAND COUNTY, MICHIGAN, TO REGULATE OIL AND GAS WELLS, REPEAL CONFLICTING OR INCONSISTENT ORDINANCES, AND PRESCRIBE A PENALTY FOR VIOLATIONS.

THE CITY OF ROCHESTER HILLS ORDAINS:

Section 1. New Section 138-4.425 shall be added to Chapter 138 of the Code of Ordinances as follows:

SECTION 138-4.425 Oil and Gas Wells.

The following requirements shall apply to the location, installation, drilling and operation of any well for the commercial extraction of oil, gas or other hydrocarbons in the City:

1. The location, installation, drilling, operation, maintenance and abandonment of oil and gas wells shall comply with all applicable federal and state laws, regulations, rules and permits.
2. Drilling units shall conform to the rules, regulations and orders of the Michigan Supervisor of Wells and Department of Environmental Quality. No new oil or gas well shall be located closer than 300 feet from any road right-of-way or from any building existing at the time actual drilling operations commence, 450 feet from residential buildings or 330 feet from an adjoining property line, unless the adjoining property is pooled with the well site property, and unless the location is at least 660 feet from another well.
3. The owner or operator of an oil or gas well shall file with the City a copy of the Environmental Impact Assessment filed with the Michigan Department of Environmental Quality in connection with a well permit under Part 615 of the Natural Resources and Environmental Protection Act, MCL 524.61501, et seq, and the administrative rules promulgated under Part 615, as amended.
4. The owner or operator of an oil or gas well shall file with the City, and keep updated, the name and contact information for an emergency contact person(s).
5. An oil or gas well site shall be completely enclosed with a fence designed to prevent unauthorized entry.

6. Adequate measures shall be implemented at the oil or gas well site to prevent and control any objectionable dust, fumes, or odors from leaving the property.
7. Exterior lighting shall comply with Chapter 2 of Article 10 of the Zoning Ordinance.
8. The installation, drilling, operation and maintenance of oil and gas wells shall conform to the Performance Standards of Section 138-10.310 of the Zoning Ordinance in regard to airborne emissions, odors, gases, noise and vibration, hazardous substances, glare, fire and explosive hazards, and waste and rubbish dumping.
9. Height limitations applicable to the zoning district where the oil or gas well is located shall apply to the production facility and completion rig located at the well site, but shall not apply to temporary drilling rigs.
10. An oil or gas well shall include measures or controls satisfactory to the City Engineer to prevent migration, run-off or discharge of any hazardous materials, including but not limited to any chemicals, oil or gas produced or used in the drilling or production of oil or gas, to adjoining property or to the City of Rochester Hills sanitary sewer system, stormwater system or any natural or artificial watercourse, pond, lake or wetland. There shall be no off-site discharge of storm water except to an approved drainage system in accordance with the City's engineering requirements.
11. All brine, mud, slush, saltwater, chemicals, wastewater, chemical, fluids or waste produced or used in the drilling or production of oil or gas shall, under the supervision of the State Supervisor of Wells, be safely, lawfully and properly disposed of to prevent infiltration of or damage to any fresh water well, groundwater, watercourse, pond, lake or wetland.
12. The oil or gas well site shall be kept in a clean and orderly condition, free of trash and debris, with weeds cut. Machinery and equipment not being used in the operation of the well shall not be stored or kept at the well site.
13. Landscaping and screening shall be provided in accordance with Article 12 of the Zoning Ordinance. A Type E buffer shall be required.
14. No drilling rigs, tanker trucks or heavy equipment used in connection with the drilling or operation of oil or gas wells in the City shall be moved over the public roads and streets under the City's jurisdiction without obtaining approval from the City's Traffic Engineer, which shall set forth the streets which may be used and any conditions that may apply.
14. No tanks or other facilities for the storage or processing of oil, gas, petroleum or hydrocarbons produced from any well within the City shall be kept, erected, operated or maintained at the oil or gas well site.

Section 2. Existing Sections 138-4.425 through 138-4.445 of the Code of Ordinances shall be renumbered as Sections 138-4.426 through 138-4.446, respectively.

Section 3. Severability. This ordinance and each article, section, subsection, paragraph, subparagraph, part, provision, sentence, word and portion thereof are hereby declared to be severable, and if they or any of them are declared to be invalid or unenforceable for any reason by a court of competent jurisdiction, it is hereby provided that the remainder of this ordinance shall not be affected thereby.

Section 4. Penalty. All violations of this ordinance shall be municipal civil infractions and upon a determination of responsibility therefore shall be punishable by a civil fine of not more than \$500, or as otherwise prescribed herein.

Section 5. Repeal, Effective Date, Adoption.

(1) Repeal. All regulatory provisions contained in other City ordinances, which are inconsistent with the provisions of this ordinance, are hereby repealed.

(2) Effective Date. This ordinance shall become effective on _____, following its publication in the *Oakland Press* on _____, 2014.

(3) Adoption. This ordinance was adopted by the City Council of the City of Rochester Hills at a meeting thereof held on _____, 2014.

Bryan K. Barnett, Mayor
City of Rochester Hills

CERTIFICATE

I HEREBY CERTIFY THAT THE FOREGOING ORDINANCE WAS ADOPTED BY THE CITY COUNCIL OF THE CITY OF ROCHESTER HILLS AT A MEETING THEREOF ON _____, 2014.

Tina Barton, Clerk
City of Rochester Hills