

CITY OF TRENTON  
ORDINANCE NO. 705-16

AN ORDINANCE TO AMEND THE TRENTON CITY ZONING CODE, SECTION 110 THEREOF, BY ADDING DEFINITIONS TO SECTION 110 AND ADDING A NEW SUBSECTION 110-539 ESTABLISHING REGULATIONS FOR HYDRAULIC FRACTURING WITHIN THE CITY.

THE CITY OF TRENTON ORDAINS:

SECTION 1. Section 110 shall be amended to add new definitions to Section 28 which shall read as follows:

Sec. 110-28. Definitions

*Derrick:* Any portable framework, tower mast, and/or structure which is required or used in connection with drilling or re-working a well for the production of oil or gas.

*Drilling Pad:* The area of surface operations surrounding the surface location of a well or wells. Such area shall not include an access road to the drilling pad.

*Hydraulic Fracturing or Fracking:* The process of injecting water, customized fluids, sand, steam, or gas into a gas well under pressure to improve gas recovery.

*Horizontal Drilling:* The drilling of an oil or natural gas well at an angle so that the well runs parallel to the formation containing the oil or gas.

*Oil and Gas:* Crude oil, natural gas, methane gas, coal bed methane gas, propane, butane and/or any other products or similar substances that are produced by drilling an oil or gas well.

*Oil and Gas Development:* The well site preparation, construction, drilling, redrilling, hydraulic fracturing, and/or site restoration associated with an oil or gas well of any depth; water and other fluid storage, impoundment and transportation used for such activities; and the installation and use of all associated equipment, including tanks, meters, and other equipment and structures whether permanent or temporary; and the site preparation, construction, installation, maintenance and repair of oil and gas pipelines and associated equipment and other equipment and activities associated with the exploration for, production and transportation of oil and gas. The definition does not include natural gas compressor stations and natural gas processing plants or facilities performing the equivalent functions.

*Oil or Gas Well:* A pierced or bored hole drilled or being drilled in the ground for the purpose of, or to be used for, producing, extracting or injecting gas, oil, petroleum or another liquid related to oil or gas production or storage, including brine disposal or being drilled for an exploration for such purposes.

*Oil or Gas Well Site:* The location of facilities, structures, materials and equipment whether temporary or permanent, that are used for or incidental to the preparation,

construction, drilling, production or operation of an oil or gas well, or exploration for a potential oil or gas well.

*Natural Gas Compressor Station:* A facility designed and constructed to compress natural gas originating from a gas well, or collection of such wells operating as a midstream facility for delivery of gas to a transmission pipeline, distribution pipeline, natural gas processing plant, or underground storage field, including one or more natural gas compressors, associated buildings, pipes, valves, tanks and other equipment.

*Natural Gas Processing Plant:* A facility designed and constructed to remove materials such as ethane, propane, butane, methane and other constituents or similar substances from natural gas to allow such natural gas to be of such quality as is required or appropriate for transmission or distribution to commercial markets, but not including facilities or equipment that is designed and constructed primarily to remove water, water vapor, oil or naturally occurring liquids from the natural gas.

*Storage Well:* A well used for and in connection with the underground storage of natural gas, including injection into or withdrawal from an underground storage reservoir for monitoring or observation of reservoir pressure.

SECTION 2. Section 110 shall be amended to create a new section 110-539, regulating “Hydraulic Fracturing” on properties within the City and setting forth the terms and conditions, which shall read as follows:

Sec. 110-539. Oil and Gas Drilling

- (A) 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 of Trenton:
- (1) May be allowed only in the I3 Industrial District.
  - (2) It shall be situated on a minimum lot size of three acres.
  - (3) Spacing and Well Setbacks. In addition to the spacing and setback requirements of the State of Michigan and regulations of its supervisor of wells, the drilling operation or operation of oil or gas wells, or well sites shall not be located within 300 feet from any road right-of-way, 500 feet of a residentially zoned or used property, or any property used for religious facility, public or private school, hospital, hospital clinic or healthcare facility and 100 feet from any other property line. No installation, drilling and operation of any well shall be located within 15 feet from another drilling operation or operation of oil or gas well, or well site. The proponent seeking to engage in activity shall also demonstrate to the City, a legal entitlement to drill on adjacent properties through mineral right acquisition or other means. Measurement of setback shall be made from the edge of the well site (in a straight line, without regard to intervening structures or objects), to the closest exterior point of the adjacent parcel.

- (4) Height. The completed well head structure shall not exceed 22 feet in height. Any temporary drilling derrick or other facility shall not exceed 110 feet in height. Temporary drilling derricks and rigs shall not be in place for longer than 60 days. A permit for an additional 30 days may be secured upon presentation to the Supervisor of sufficient documentation demonstrating that reasonable progress has occurred throughout the initial 60 day period and that operations can be completed within an additional 30 days.
- (5) Fencing, Landscaping and Lighting. An oil or gas well site shall be completely enclosed with a 6' high fence with materials compliant with ordinances. Staggered 6' tall Evergreen trees shall be placed around the perimeter of the fence with a minimum landscape greenbelt buffer of 25 feet in depth. This landscaping buffer shall be in place within 30 days of the removal of the temporary drilling deck/rig. Exterior lighting shall comply with the provisions of the City's Ordinances and shall be shielded so as not to be disruptive to adjoining parcels.
- (6) Nuisance Mitigation. The drilling, completion, or operation of oil or gas wells or other wells drilled for oil and gas exploration purposes shall comply with the additional site requirements of the Ordinance and any other applicable ordinance provisions. Such standards address potential nuisances such as noise, smoke, dust, and the like. To the extent this Ordinance is more restrictive the provisions of this Ordinance shall control.
- (7) Dust, Noise, Vibration, and Odors. All operations shall be conducted in a manner so as to minimize, as far as practicable dust, noise, vibration or noxious odors and shall be in accordance with the best accepted practices defined by the Michigan Department of Environmental Quality for the production of oil, gas, or other hydrocarbon substances in urban areas. All equipment used shall be constructed and operated so that vibration, dust, odor or other harmful or annoying substances or effects will be minimized by the operations carried on at any time, or from anything incidental thereto, and to minimize the annoyance of persons living or working in the vicinity. Additionally, the site or structures on the property shall not be permitted to become dilapidated, unsightly, or unsafe. The City may impose additional reasonable restrictions upon such operations as to reduce adverse impacts upon adjacent properties.
- (8) Oil and Gas Processing Facilities. Associated processing facilities that separate oil, gas and brine and hold said products for transport off-site for further refinement and processing are not permitted.
- (9) Compliance with Laws and Permit Issuance. The drilling, completion, or operation of oil and gas wells or other wells drilled for the purpose of oil or gas exploration shall be done in conformity with all State and Federal laws, statutes, rules, and regulations pertaining thereto and particularly with the State of Michigan and regulations of its Supervisor of Wells. This shall include obtaining the required permit from the Supervisor of Wells which permit shall be provided to the City prior to the City issuing special use

approval under this Section. This requirement applies to, but is not limited to the plugging of wells, the exploring for, producing, marketing and transportation of petroleum products and the disposition and removal of any byproducts utilized and associated with said activities.

- (10) Associated Permits and Approvals. Special use approval for the drilling, completion, or operation of oil or gas wells or other wells drilled for oil or gas exploration purposes is in addition to and not in lieu of any permit or plan which may be required by any other provision of the City of Trenton City Zoning Ordinance, Building and Fire Codes, or by any other governmental agency, unless expressly outlined.
- (11) Operations.
  - a. Permitted Construction Activity Hours. Site preparation and construction of well sites are limited to the hours of 7 a.m. to 7 p.m. Construction activities associated with establishing of well sites may be eligible for an exception by the Building Official if such activities are in compliance with applicable laws and permits and is demonstrated that noise and disturbance from such activities will not be annoying or disturbing to surrounding uses.
  - b. The movement of drilling rigs, tanker trucks or heavy equipment used in connection with drilling or operation of oil or gas wells over City roads and streets, shall require the approval of the Supervisor in conjunction with a review by the City Engineer. A proposed traffic route and the axel weight, vehicle weight and description shall be submitted in advance to the City by the Applicant.
  - c. All brine, mud, slush, saltwater, chemicals, wastewater, chemical fluids or waste produced or used in the drilling of production of oil or gas shall be safely, lawfully and properly disposed of to prevent infiltration of or damage to any fresh water well, groundwater, watercourse, pond, lake or wetland. Such materials shall be promptly removed from the site and shall not be continuously stored upon the site.
  - d. The oil or gas well site shall be kept in a clean and orderly condition, free of trash and debris, with vegetation cut. Machinery which is not expected to be used on the site within a two week period, shall not be kept or stored at the well site.
  - e. 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 chemicals, oil or gas produced or used in the drilling of production of oil or gas, to adjoining property, or to the sanitary sewer system, storm water 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.

- (12) **Inspection.** The Building Official and any other designee of the Supervisor shall have the right and privilege at any time during the construction phase and any drilling operation to enter upon the premises subject to special land use approval for the purpose of making inspections to determine if the requirements of this section and other applicable ordinances are complied with.
- (13) **Injection Wells.** Injection wells used for brine disposal or other chemicals from production of wells or from other sources are prohibited within the City.
- (14) **Pipelines.** No operator shall excavate or construct any lines for the conveyance of fuel, water, oil, gas, or petroleum liquids under or through the streets, alleys or other properties owned by the City without an easement or right-of-way issued by the City.
- (15) **Submittal Requirements.** In addition to the requirements for a site plan and other submittal requirements under the general provisions of special land use, the following information shall be submitted as part of the application:
  - a. **Environmental Impact Study.** Applicant shall submit an Environmental Impact Statement filed with the Michigan Department of Environmental Quality in connection with a well permit under the applicable provisions of the Natural Resources and Environmental Protection Act, MCL 524.61501 et seq. or as otherwise amended and administrative rules promulgated thereunder.
  - b. **Hydrogeological analysis.**
  - c. **Emergency Response Plan.** Pursuant to State and Federal law, the operator shall provide any information necessary to the City Department of Emergency Management, who will forward a copy to Wayne County Homeland Security and Emergency Management with an emergency response plan and hazardous materials survey establishing written procedures to minimize any hazard resulting from the operation. The Emergency Response Plan shall include emergency contact information.
  - d. **Reclamation Plan.** A written statement describing how the land will be returned to a stable and productive condition post drilling operations shall be furnished. Time for completion of reclamation shall be provided. The City shall require a bond calculated at the estimated cost of reclamation procedures which shall be returned following reclamation or may be drawn upon in the event reclamation is not completed if provided in a timely fashion.

- e. The Operations Plan shall include identification of site ingress and egress, a haul route map, hours of operation, soil erosion, mud and dust control plan, noise control plan, identification of operational noise impacts including documentation of establishing noise levels and mitigating noise levels, shall provide topography, shall provide an odor and fume control plan, pollution prevention plan, impact mitigation plan, monitoring and control plan.

**SECTION 3. Savings Clause.** Nothing in this Ordinance or in the Code hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

**SECTION 4. Severability.** Should any word, sentence, phrase or any portion of this Ordinance be held in a manner invalid by any court of competent jurisdiction or by any state agency having authority to do so for any reason whatsoever, such holdings shall be construed and limited to such work, sentence, phrase or any portion of the Ordinance held to be so invalid shall not be construed as affecting the validity of any of the remaining words, sentences, phrases or portions of this Ordinance.

**SECTION 5. Conflicting Ordinances.** All prior existing ordinances adopted by the City of Trenton inconsistent or in conflict with the provisions of this Ordinance are, to the extent of such conflict or inconsistency, hereby expressly repealed.

**SECTION 6. Readings.** This Ordinance shall be given a first reading on November 14, 2016, shall be enacted on November 21, 2016, and shall be published on or before November 28, 2016, and shall be effective November 29, 2016.

ADOPTED, APPROVED AND PASSED by the City Council of the City of Trenton this 21<sup>st</sup> day of November, 2016.

  
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Kyle F. Stack, Mayor

  
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Debra R. Devitt, City Clerk

I do hereby certify that the foregoing is a true copy of the Ordinance as passed by the City Council of the City of Trenton at a regular Council Meeting held in the City Council Room in said City on the 21<sup>st</sup> day of November, 2016.

  
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Debra R. Devitt, City Clerk

I further certify that the foregoing was posted and published electronically on the City Website at [www.trentonmi.org](http://www.trentonmi.org) on the 28<sup>th</sup> day of November, 2016.

A handwritten signature in cursive script, appearing to read "Debra R. Devitt", is written over a horizontal line.

Debra R. Devitt, City Clerk

