

**ORDINANCE NO. 2015-010
CITY OF ROMULUS
APPENDIX A - ZONING
AMENDMENT 1.223**

AN ORDINANCE TO AMEND SECTION 8.02, SCHEDULE OF USES; AMEND SECTIONS 11.07 AND 11.13; AND ADD NEW DEFINITION IN SECTION 24.23 OF THE ZONING ORDINANCES OF THE CITY OF ROMULUS, WAYNE COUNTY, MICHIGAN, TO REGULATE OIL AND GAS WELLS; VEHICLE DISMANTLING, WRECKING, AND RECYCLING AND SALE OF USED VEHICLE PARTS; AND PRESCRIBE A PENALTY FOR VIOLATIONS.

THE CITY OF ROMULUS ORDAINS:

SECTION 1. *Article 8, Industrial Districts, Section 8.02, Schedule of Uses, Table 8.02 of the Zoning Ordinance shall be amended to read as follows:*

Table 8.02 Schedule of Uses					
Use	O-R	M-1	M-2	M-T	Other Requirements
Utilities and Oil and Gas Wells					
Public sewage treatment plants, public water plants, power plants, public works garages, storage yards, and similar uses		SLU	SLU	SLU	11.13(a)
Utility buildings, substations, including pump stations and transformer substations that are necessary to serve the immediate vicinity	P	P	P	P	11.13(a)
Utility distribution facilities such as water mains, sewer mains, electrical, gas, distribution lines, and associated structures that are designed to serve the immediate vicinity	P	P	P	P	
Oil and gas wells		SLU	SLU	SLU	11.13(b)
Hydraulic fracking wells		SLU	SLU	SLU	11.13(b)
Vehicle and Truck Repair, Service and Parking					
Vehicle dismantling, wrecking, recycling and sale of used vehicle parts				P	11.07(h)

SECTION 2. *Article 11, Section 11.13 Utilities and Wells of the Zoning Ordinance shall be amended to read as follows:*

Section 11.13 Utilities and Oil and Gas Wells.

(a) Public Utility Buildings, Structures and Yards.

- (1) The perimeter of the developed portion of the public utility buildings and structures including yards shall be landscaped meeting the industrial use greenbelt and buffer zone requirements of Section 13.02.
- (2) Public utilities are further subject to the provisions of Section 12.14, Essential Services.

(b) Oil, Gas and Hydraulic Fracking 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, completion and abandonment of oil and gas wells shall comply with all applicable federal and state laws, regulations, rules, and permits and shall conform to the rules, regulations, and orders of the Michigan Superintendent of Wells and Department of Environmental Quality and applicable federal laws and regulations.
- (2) No new oil or gas well shall be located closer than 1,000 feet from a residential dwelling or place of worship, school, hospital, childcare center or public park 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. This paragraph shall not be construed to restrict or prohibit underground horizontal drilling directional or horizontal drilling where lawfully permitted by Michigan Department of Environmental Quality.
- (3) The owner or operator of an oil or gas well shall provide 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, and a hydrogeological study. The owner or operator shall install at least one groundwater monitoring well in close proximity to, and down gradient of, the well location prior to commencing drilling. The owner or operator shall collect a water sample from the monitoring well prior to commencing drilling operations and at approximately three (3) months and six (6) months following drilling completion. Water samples shall be tested for specific conductance, chloride, benzene, ethylbenzene, toluene, and xylene. The owner or operator shall provide the results of the sample analysis to the City Engineer within seven (7) days after the results are available.
- (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) who will be available

at all times on a twenty-four (24) hour basis. The owner or operator shall provide to the City's emergency responders any information necessary to assist the City's emergency responders with an emergency response plan and hazardous materials survey establishing written procedures to minimize any possible hazard resulting from the operation, and shall further provide the emergency responders with a means to contact a responsible representative of the owner or operator on a twenty-four (24) hour basis.

- (5) An oil or gas well site shall be completely enclosed with a six (6) feet high fence in accordance with Section 13.03 that is designed to prevent unauthorized entry during well drilling, completion, and operation.
- (6) Adequate measures shall be implemented at the oil or gas well site to prevent and control any objectionable dust, noise, vibrations, fumes, or odors from leaving the property or adversely affecting or unreasonably disturbing persons living or working in the vicinity. All operations shall be conducted in accordance with the best practices determined by the Michigan Department of Environmental Quality for the production of oil, gas and hydrocarbons in urban and residential areas.
- (7) Exterior lighting be shielded to prevent unnecessary light or glare from being directed off-site and shall comply with Section 13.05.
- (8) The installation, drilling, operation, and maintenance of oil and gas wells shall conform to the performance standards of Section 8.05 in regard to airborne emissions, odors, gases, noise, and vibration, hazardous substances, glare, fire and explosive hazards, and waste and rubbish dumping.
- (9) The completed wellhead structure shall not exceed twenty-two (22) feet in height. The temporary drilling rigs shall not exceed 110 feet in height, and must comply with all Federal Aviation Administration requirements.
- (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 Romulus 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.
- (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 Michigan Department of Environmental Quality, be safely, lawfully and properly disposed of to prevent infiltration of or damage to any fresh water well, groundwater, watercourse, pond, lake or wetland. Injection wells for disposal of brine or chemicals

from production wells or other sources must comply with use standards of Section 11.14(a).

- (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 to limit public view of wellheads and equipment after well completion operation. Landscaping and screening shall be in accordance with Section 13.02.
- (14) No drilling rigs, construction vehicles, tanker trucks or heavy equipment used in connection with the drilling or production operations 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 Engineer, who shall specify the streets that may be used and any conditions that may apply.
- (15) Hydraulic fracturing (i.e., the pumping or injection of a mixture of water, sand, and chemicals under pressure into an oil or gas formation) is prohibited in the City, unless it is considered authorized by the Michigan Department of Environmental Quality.

SECTION 3. *Article 11, Section 11.07(h) Vehicle and Truck Repair, Service and Parking of the Zoning Ordinance shall be amended to read as follows:*

(h) Vehicle Dismantling, Wrecking, Recycling and Sale of Used Vehicle Parts

- (1) Vehicle dismantling, wrecking, recycling and the sale of used vehicle parts shall be permitted in the M-T District only.
- (2) Any outdoor storage area greater than two hundred (200) square feet used for the keeping of junk including scrap metals or other scrap materials, or reclaimed materials, or for the dismantling, demolition, or abandonment of automobiles or other vehicles or machinery or parts thereof shall be considered a salvage yard and subject to special land use review and the standards of Section 11.14(b).
- (3) All dismantling, repair and maintenance must be performed in a completely enclosed building.
- (4) There shall be no outdoor storage or display of vehicle components, parts, supplies, equipment, or merchandise except within an area defined on the site plan approved by the Planning Commission or ARC and which extends no more than ten (10) feet beyond the building. Outside storage areas for trash, used tires, auto parts and similar items shall be prohibited.
- (5) A license for a parts dealer facility from the State of Michigan shall be provided prior to

issuance of any occupancy permits.

SECTION 4. *Article 24, Definitions, Sections 24.22 and 24.23 of the Zoning Ordinance shall be amended to add the following definitions to read as follows:*

Vehicle Related Uses:

- (a) **Vehicle Engine and Body Repair (Major) Establishment:** An automotive repair establishment which may conduct in addition to activities defined below as “minor repairs” one (1) or more of the following: general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles, collision service, such as body, frame, or fender straightening and repair; overall painting and undercoating of automobiles, major overhauling of engine requiring removal of cylinder-head or crank case pan, recapping or retreading of tires, steam cleaning and similar activities.
- (b) **Vehicle Repair and Maintenance (Minor) Establishment:** A building or premises used primarily to provide general maintenance on automobiles such as oil changes and lubrication; servicing and repair of spark plugs, batteries, pumps, belts, hoses, air filters, and windshield wipers ; replacement of mufflers and exhaust systems, brakes and shock absorbers; radiator cleaning and flushing; auto detailing; sale and installation of automobile accessories such as tires, radios and air conditioners; wheel alignment, balancing; but excluding tire recapping or grooving or any major mechanical repairs, collision work, undercoating or painting. An automobile maintenance/service establishment may be located in the same building and be a part of a vehicle service station.
- (c) **Service Station:** A building or structure designed or used for the retail sale or provision of fuels (which must be stored only in underground tanks), lubricants, air, batteries, water and other operating commodities for motor vehicles, and including the customary space and facilities for the installation of these commodities on or in vehicles, and including space for facilities for the temporary short-term storage, minor repair, or servicing. The definition shall not include bumping, painting, refinishing, major repairs and overhauling, steam cleaning, rust-proofing whether a principal or accessory use, nor shall it be construed as automobile repair or body shop. A service station may also include other uses such as a convenience store or carryout restaurant.
- (d) **Vehicle Dealership:** A building or premises used primarily for the sale of new and used automobiles and other motor vehicles such as motorcycles, boats, recreational vehicles or other similar methods of transportation. Such a dealership may include outdoor display and accessory indoor maintenance and repair.
- (e) **Wash Establishment:** A building, or portion thereof, with a primary purpose of washing motor vehicles.
- (f) **Vehicle Dismantling, Wrecking and Recycling:** The business of buying, dismantling, wrecking, or recycling of motor vehicles or in the business of buying, selling, delivering or dealing in used or secondhand motor vehicle parts in the city.

(g) **Used Vehicle Parts Sales:** Any person engaged in or operating a business of buying, selling or delivering used or secondhand motor vehicle parts in the city.

Wells: An oil or gas well that is under the jurisdiction of the Superintendent of Wells and is regulated by the State of Michigan, Department of Environmental Quality.

SECTION 5. 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 6. 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 7. Conflicting Ordinances.

All prior existing ordinances adopted by the City of Romulus inconsistent or in conflict with the provisions of this ordinance are, to the extent of such conflict or inconsistency hereby expressly repealed.

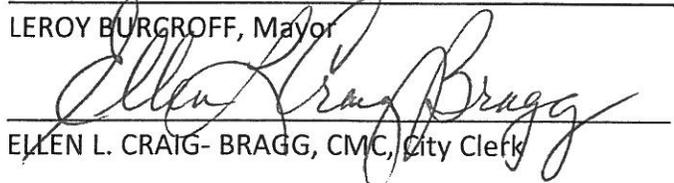
SECTION 8. Effective Date.

This ordinance shall take effect upon publication thereof in an official newspaper, which publication shall be made when the minutes passing the ordinance are published subject to revocation at will of the City of Romulus at any time.

ADOPTED, APPROVED, AND PASSED by the City Council of the City of Romulus this 27th day of July, 2015.

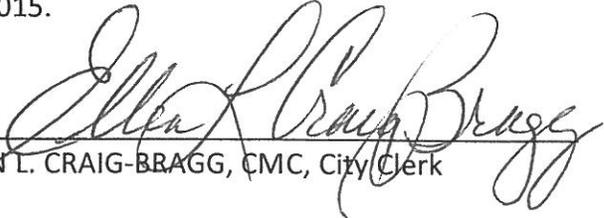


LEROY BURGROFF, Mayor

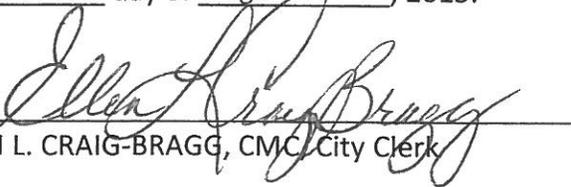


ELLEN L. CRAIG- BRAGG, CMC, City Clerk

I hereby certify that the foregoing is a true copy of the Ordinance as passed by the City Council of the City of Romulus at a regular Council Meeting held in the City Council Room in said City on the 27th day of July, 2015.


ELLEN L. CRAIG-BRAGG, CMC, City Clerk

I further certify that the foregoing was published in Telegram, a newspaper of general circulation in the City of Romulus, on the 13th day of August, 2015.


ELLEN L. CRAIG-BRAGG, CMC, City Clerk

Within forty-five (45) days after publication of any ordinance duly passed by the Council, a petition may be presented to the Council protesting against such ordinance continuing in effect. Said petition shall contain the text of such ordinance and shall be signed by not less than six percent (6%) of the registered electors registered at the last preceding election at which a Mayor of the City was elected. Said ordinance shall thereupon and thereby be suspended from operation and the Council shall immediately reconsider such ordinance.

Introduced: July 13, 2015
Adopted: July 27, 2015
Published: Aug. 13, 2015
Effective: Aug. 13, 2015