



Ordinance Number 22

An ordinance regulating the location, drilling, maintenance and operation of oil and gas wells and the storage and transportation of oil, gas and other products produced therefrom in the Village of Freeport County of Barry, Michigan, providing against the pollution by impurities of the water courses, streams and water supply of said village and to protect the health and comfort of the inhabitants of said village by reason of said oil or gas wells; declaring violation of this ordinance to be unlawful and a nuisance and prescribing penalties for the violation thereof. 19549

THE VILLAGE OF FREEPORT ORDAINS:

SECTION 1: It is hereby declared to be unlawful and a nuisance for any person, firm, association, corporation, trust or syndicate, either as a principal, agent, servant, employee or otherwise:

a) To hereafter locate or drill a well for the production of oil or gas in said Village of Freeport; or upon any property owned by the Village of Freeport, except in the center as near as possible of units not less than ten acres of land in square form, if practical, subject to designation or rules as may be ordered by the Michigan Department of Conservation and subject to pool or communitize of said premises, either by agreement, or order of the Department of Conservation and such that each owner of an interest shall receive his just and equitable share of oil or gas.

b) To locate or drill a well for the production of oil or gas within two hundred feet of any building, except upon written consent of the owner and approval of the Village Council. Also provided that the site for drilling may be transferred to such location in any plat as may be agreeable to the Village Council and the Conservation Department.

c) To proceed in locating or drilling a well for the production of oil or gas in said Village of Freeport without having obtained a permit to do so authorized by the common council of said Village signed by the President and Clerk of said village and paying a fee of \$25.00 for said permit and filing a bond in the amount of \$250.00.

d) To fail, neglect or refuse to clean up and entirely remove and oil spilled within one hundred fifty feet of any oil well, oil derrick, oil storage tank or oil sump, within twenty four hours after such spill occurs.

e) To weld or permit any open flame or other source of ignition of any kind whatsoever within fifty feet of any oil tank or oil sump containing petroleum, or any of its flammable or fluid byproducts.

f) To maintain or allow or permit to exist, remain or be upon any lot or premises, any unused, un-operated or abandoned oil derrick, rigging or other oil drilling or producing equipment for a longer period than thirty days after the oil well or gas well for which such derrick, rigging or other equipment was used has been abandoned, and the filing of the notice of the abandonment with the State

Supervisor of Wells, shall be deemed evidence of abandonment provided however, that nothing therein contained shall prevent the storage of new drilling equipment or supplies for commercial purposes.

g) To shoot any well being drilled for oil or gas with nitroglycerine.

h) To use or permit to be used and boilers for the drilling or operation of oil or gas wells which have not been provided with spark protectors.

i) To use storage tanks for the storage of oil without first having protected the surrounding property by means of an embankment or dike around said tank or tanks having the capacity of not less than one and one half times the capacity of the tank surrounded, but in no case higher than one fourth the height of the tank when height of the tank exceeds 16 feet. Such embankment or dike shall be made of earth work or reinforced concrete or such other material as shall be approved by said common council and State Supervisor of Wells. Earth work embankment shall be firmly and compactly built of good earth from which stones; vegetables and other loose matter have been removed, and shall have a slope of at least two to one on both sides, and a flat section top of not less than two feet. Such embankments or dike shall be preferably laid over or under the embankment. If it is necessary to install pipes through embankments, concrete wing walls shall be provided. Brick or concrete steps shall be used where it is necessary to pass over. In the event that it shall be implacable to construct an embankment or dike as hereinabove provided at the location of the well or tanks heretofore constructed, such other structures as shall provide adequate protection for surrounding property may be installed and erected as shall be approved by the common council and the State Supervisor of Wells. Location of said tanks should be approved by common council.

j) To erect or cause to permit to be erected directly or indirectly any oil tank within two hundred feet from and oil well or building.

k) To drill or operate any oil well or to perform any work in or upon the construction, drilling or operation of any oil well in such manner as to disturb the peace, quiet or comfort of any person or persons residing in the neighborhood thereof between the hours of ten o'clock afternoon of any day and six o'clock in the forenoon of the day following and no drilling on Sunday except by consent of common council.

l) To deposit, place, discharge or conduct, or cause or permit to be deposited, placed, discharged or conducted any oil petroleum, naphtha, tar or liquid petroleum or any of the products thereof, or any kindred substances, or any refuse from any oil well in, into or upon any public street, alley or public place or any drain, water course, stream (sewer or river of said Village of Freeport); or upon any private property in said Village in such a manner that the same will run into or upon any public street, alley, or other public place, or any drain, water course, sewer or river of said Village.

m) To maintain or permit or suffer to be maintained any abandoned or unused sump holes upon any lot or premises. Cash bond at one hundred dollars deposited at time of actual drilling commenced will be held until such time as sump hole and other premises are cleaned in a manner satisfactory to the committee.

n) To discharge or permit or suffer the discharge of natural gas from any oil well or tanks into the open air of said Village.

o) To deposit, place, discharge or conduct, or cause or permit to be deposited, placed, discharged or conducted any salt water from any oil well, in, into or upon any street, alley or public place, or in, into or upon any private property in said Village in such a manner that the same will run into

any drain, water course, river or sewer of said Village or upon any private property except only into a suitable and adequate sump provided therefore approved by the common council and State Supervisor of Wells.

p) To install or maintain any electric power switch in any pump house or tank house. All switches shall be placed in a suitable, safe place outside of the building or structure located at any oil or gas well or used in connection therewith.

q) To drill or maintain any well except upon village property or vacant lots except upon consent of the owner and approval of the Village Council.

SECTION 2. It shall be unlawful to conduct natural gas from any oil well or tank into or through any building or structure except the same being conducted through sound, tight pipes free from leaks and in accordance with such rules and regulations as may be prescribed from time to time by the common council of said village. An approved automatic regulator shall be installed at a readily accessible point in every pipe line for gas connected to any oil or gas well or tanks.

SECTION 3. It shall be unlawful to have, use, operate or maintain or permit or suffer the possession, use, operation or maintenance of any natural gas burning appliances except such as shall have been approved by the National Board of Underwriters subject to such further regulations as may be made from time to time by said common council of said village.

SECTION 4. It shall be unlawful to transport any nitroglycerine within the limits of the Village of Freeport over or upon any street, highway, alley or public places, except at such time or times and under such conditions and restrictions as shall be determined and promulgated from time to time by the said common council.

SECTION 5. It is hereby declared to be unlawful to load any tank, wagon, tank car, or other receptacle excepting only stationary tanks used for storage at oil wells with petroleum or any of its inflammable or fluid byproducts within the limits of said village, and shall before commencing such loading, procure a permit therefore approved by the common council of said village signed by the president and Clerk of said village, upon written application therefore, the said applicant in said application covenanting and agreeing to abide by and perform all rules and regulations prescribed by said common council.

SECTION 6. (a) It is hereby declared to be unlawful and a nuisance for any person to smoke or throw, place or deposit any lighted or smoldering cigar, cigarette, ash, match or other lighted or smoldering substance within twenty five feet of any oil well, oil derrick, oil refinery, gasoline absorption plant, gas compression plant, oil pumping plant, oil storage tank or oil sump containing petroleum or any of its inflammable or fluid products.

(b) It is hereby declared to be unlawful to operate producing pumps except by electricity or such other method as shall not be disturbing to local residents.

SECTION 7. Each and every violation of this ordinance is hereby declared to be a public nuisance per se and may be abated by appropriate proceedings provided by law.

SECTION 8. Should any section, clause or provision of this ordinance be declared by court to be invalid the same shall not affect the validity of the ordinance as a whole or any part thereof other than the part declared to be invalid.

SECTION 9. Every person, whether as principal, agent, servant, employee or otherwise of any person, firm, association, corporation, trust or syndicate, violating, failing, neglecting or refusing to comply with any of the provisions of this ordinance shall be punished by a fine not exceeding one hundred dollars or by imprisonment for not more than 90 days in the county jail of the county of Barry in which said village of Freeport is located, or by both such fine and imprisonment within the discretion of the court; and each such person shall be deemed guilty of a separate offense for each day during any portion of which the violation, failure, neglects or refusal to comply with any of the provisions of this ordinance is committed, continued or permitted.

SECTION 10. This ordinance shall be take effect immediately.

**Signed,  
F.C. Tabberer, Village Clerk  
May 19, 1949**

**Ordinance adopted at a special session of Council held May 20, 1949.**