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PRESS RELEASE
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**Cannon Township Enacts Ordinances to Regulate Ancillary Oil and Gas Activities
As Part of FLOW's Model Local Ordinance Program**

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TRAVERSE CITY, MI – This week, Cannon Township enacted three new Ordinance amendments to address the industrial impacts of fracking and oil and gas development in their community. Amendments included changes to the Zoning Ordinance, Outdoor Lighting Ordinance, and Unwholesome Substances Ordinance. Cannon Township is the first township to adopt ordinances based in part on FLOW's Model Local Ordinance Program.

"FLOW got us started and alerted us to the need to act," remarked Township Supervisor, Steve Grimm. "These amendments will help ensure the protection of the environmental quality of our township, without violating the state's exclusive right to issue permits."

Concerned about the state of Michigan's increase in oil and gas leasing activity and the protection of community natural resources, Cannon Township passed a moratorium on oil and gas related activities in May 2013. As part of their evaluation, the township hired FLOW to conduct its Model Local Ordinance Program and make recommendations on ordinances to promote compatible land use, public health and safety, and quality of life. FLOW worked with the township, citizens, and citizen groups (including Citizens for Responsible Resource Management and the Kent County Water Conservation (KCWC)) to prioritize the community's concerns and then developed a menu of zoning and police power ordinance recommendations.

Key community concerns with oil and gas and fracking development included: lack of disclosure and use of chemicals; high-volume water removal, on site pumps, tanks, and handling facilities; incompatible ancillary industrial-type land uses and facilities; access roads, truck traffic, and safety; road use, truck routes, indemnity and bonds for spills, wear and tear of roads; nuisance impacts (e.g., noise, dust, vibrations, odors, hours, air and light pollution); flowlines and gathering pipelines; and accident prevention plans, fire and emergency response to chemical releases or other accidents.

Under Michigan law, townships and counties do not have the power to *directly* regulate oil or gas wells or the issuance of such well permits. Townships and counties, however, do have the legal authority to regulate oil and gas activities under their zoning and police powers that are ancillary or associated with oil and gas wells. Such ancillary activities include truck traffic and road requirements, bonding requirements, air emissions, light pollution, flow and gathering pipelines, high-volume water removal, and disclosure of chemical use for local responders.

Notably, Michigan zoning law does not limit cities and villages to regulate oil and gas wells or operations.

As one of the first townships in the state of Michigan to enact regulatory ordinances on fracking, Cannon Township is helping to set an important precedent to regulate crude oil in the event of a spill or release, to provide local authorities with injunctive relief where development causes harm or violates local ordinances, and to address related lighting nuisance issues.

Under a grant from the Wege Foundation, FLOW is working with a coalition of organizations – West Michigan Environmental Action Council (WMEAC), KCWC, Sierra Club, Michigan Environmental Council (MEC), and Freshwater Future – to educate leaders and citizens about state and local legal strategies to protect communities and their resources from the impacts and risks associated with fracking and/or oil and gas development in Michigan. Under this same grant, FLOW is currently working with Emmet County, and plans to assist three (3) additional interested townships or counties in 2015.

To date, four townships in Michigan – Cannon Township (Kent County), Gun Plain Charter Township (Allegan County), Conway Township (Livingston County), and Grayling Township (Crawford County) – have signed up with FLOW to develop protective ordinance packages.

For more information:

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