

EXHIBIT A

**ELMWOOD TOWNSHIP
TOWNSHIP BOARD**

ORDINANCE NO. 2024 - 0117

**AN ORDINANCE TO IMPOSE A MORATORIUM ON COMMERCIAL ENERGY
SOLAR SYSTEMS**

ELMWOOD TOWNSHIP ORDAINS:

Section 1. Title. This Ordinance may be cited and referred to as the “Elmwood Township Solar Energy Moratorium.”

Section 2. Purpose and Findings. The purpose of this moratorium is to provide sufficient time for Elmwood Township to fully explore, analyze, research, and make informed decisions regarding Commercial Energy Solar Systems. In support of this Ordinance, the Elmwood Township Board has determined the following:

- A. The integration of Commercial Energy Solar Systems within the Township requires suitable regulations and controls for the protection of the health, safety and welfare of all of the Township’s residents.
- B. The Township wishes to consider whether amendments to its Zoning Ordinance to regulate the establishment and use of Commercial Energy Solar Systems are reasonable and necessary in order to better protect the public health, safety, and welfare of Township residents. Moreover, with the passage of Act 233 of 2023, the Township desires additional sufficient time to consider the impact of the legislation on local control, including siting of such facilities, whether its Zoning Ordinance regulating Commercial Energy Solar Systems is compatible with the Act, or whether further revisions are warranted or advisable.
- C. The Township has a draft Zoning Ordinance amendment regulating Commercial Energy Solar Systems as recommended by the Township Planning Commission, but the Tuscola County Planning Commission has expressed concerns over the amendment’s compatibility with PA 233 of 2023, and multiple property owners have requested hearings under the Michigan Zoning Enabling Act.
- D. Imposing a moratorium to allow the Township time and space to fully and thoughtfully explore, analyze, research, and develop any proposed zoning amendments to the Township's Zoning Ordinance applicable to Commercial Energy Solar Systems, is in the best interests of the public’s health, safety, and welfare.

Section 3. Definitions. When used in this Ordinance:

- A. "Commercial Energy Solar Systems" shall mean a Solar Energy System where the principal design, purpose or use of such system is to provide energy to off-site uses or the wholesale or retail sale of generated electricity to any person or entity.
- B. "Solar Energy System" shall mean any part of a system that collects or stores solar radiation or energy for the purpose of transforming it into any other form of usable energy, including but not limited to the collection and transfer of heat created by solar energy to any other medium by any means.
- C. "Township Board" shall mean the Elmwood Township Board or such committee or commission appointed by and to which the Elmwood Township Board's authority has been duly and properly delegated.

Section 4. Regulation. Pursuant to Public Act 246 of 1945, MCL 41.181, et seq., the statutory powers vested in Elmwood Township to regulate activities within the Township for protection of the health, safety and welfare of its residents, the Township Board declares a moratorium, on a temporary basis, on the establishment, placement, construction, enlargement and/or erection of Commercial Energy Solar Systems within the Township and on the issuance of any and all permits, licenses or approvals for any property subject to the Township's Zoning Ordinance for the establishment or use of Commercial Energy Solar Systems, in order to allow time for review of and potential amendments to the Township's Zoning Ordinance.

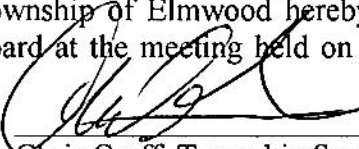
Section 5. Duration of Ordinance. The moratorium shall remain in effect for a period of six (6) months following the effective date of the Ordinance or until the Commercial Energy Solar Systems regulations in the Township's Zoning Ordinance are amended, whichever occurs first. Before this moratorium expires, the Township may by resolution extend the moratorium for an additional period of six (6) months to allow sufficient time to complete amendments to its Zoning Ordinance. If an extension is adopted, the Township will publish notice of the extension.


Section 6. Validity and Severability. Should any portion of this Ordinance be found invalid for any reason, such holding will not affect the validity of the remaining portions of this Ordinance.

Section 7. Repealer Clause. Any ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 8. Effective Date. This Ordinance takes effect the day following its publication.

The undersigned Supervisor and Clerk of the Township of Elmwood hereby certify that this Ordinance was duly adopted by the Township Board at the meeting held on the 17 day of January, 2024.


Chris Graff, Township Supervisor


Pam Brinkman, Township Clerk