

## ELMWOOD TOWNSHIP ORDINANCE NO. 111

### WIND ENERGY CONVERSION SYSTEM MORATORIUM ORDINANCE

An Ordinance pursuant to Public Act 246 of 1946, MCL 41.181, et seq., to secure the health, safety and welfare of the citizens, residents and property owners of Elmwood Township, by imposing a moratorium on the establishment, placement, construction, enlargement and/or erection of Wind Energy Conversion 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 Wind Energy Conversion Systems.

THE TOWNSHIP BOARD OF ELMWOOD TOWNSHIP, TUSCOLA COUNTY, MICHIGAN  
ORDAINS:

#### Section 1. Title

This ordinance shall be known as the "Elmwood Township Wind Energy Conversion System Moratorium Ordinance" (hereinafter referred to as "Ordinance").

#### Section 2. Purpose

The Township Board has become aware of significant number of options, easements and leases being secured within the Township by a number of companies for Wind Energy Conversion Systems. It is clear that applications for these Wind Energy Conversion Systems may be proliferating. The rapidly evolving technology and the unique location of wind corridors within the Township indicate that applications for the construction and location of Wind Energy Conversion Systems may be imminent.

The integration of these Wind Energy Conversion Systems within the Township's existing pattern of predominantly residential and agricultural land use emphasizes the need for suitable regulations and controls with reference to Wind Energy Conversion Systems.

The Township Board is vested with the authority to establish reasonable requirements and regulations to govern and control Wind Energy Conversion Systems within the Township in order to protect the public health, safety and welfare to the Township residents and their property.

The Township Board requires sufficient time for enactment of amendments to its Zoning Ordinance to establish reasonable regulations pertaining to the establishment, placement, construction, enlargement and/or erection of Wind Energy Conversion Systems in order to adequately protect the public health, safety and welfare of the Township residents.

#### Section 3. Definitions

When used in the ordinance:

- A "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.
- B. "Wind Energy Conversion Systems" shall include any combination of the following:
- a. A mill or machine operated by wind acting on oblique vanes or sails that radiate from a horizontal shaft;
  - b. A surface area such as a blade, rotor, or similar device, either variable or fixed, for utilizing the wind for electrical or mechanical power;
  - c. A shaft, gearing, belt, or coupling utilized to convert the rotation of the surface area into a form suitable for driving a generator, alternator, or other electricity-producing device;
  - d. The generator, alternator, or other device to convert the mechanical energy of the surface area into electrical energy;
  - e. The tower, pylon, or other structure upon which any, all or some combination of the above are mounted;
  - f. Any other components not listed above but associated with the normal construction, operation, and maintenance of a wind energy conversion system.

Wind Energy Conversion Systems shall not include any of those exempt under Section 12.12.B of Elmwood Township Zoning Ordinance Amendment, Ordinance No. 106.

#### **Section 4. Regulation**

Pursuant to Public Act 246 of 1945, MCL 41.181, et. seq., the statutory powers vested in Elmwood Township (the Township) to regulate activities within the Township for protection of the health, safety and welfare of its residents, the Township Board hereby declares a moratorium, on a temporary basis, on the establishment, placement, construction, enlargement and/or erection of Wind Energy Conversion 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 Wind Energy Conversion 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 twelve (12) months following the effective date of the Ordinance or until the Wind Energy Conversion System regulations in the Township's Zoning Ordinance are amended, whichever occurs first. Before this moratorium expires, the Township may by resolution extend the moratorium as appropriate 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. Severability**

This Ordinance and the various parts, sentences, paragraphs, sections, subsections, phases and clauses are hereby declared severable, and if any of them are adjudged unconstitutional or invalid, it is hereby declared that the remainder of this Ordinance shall not be affected by such determination.

**Section 7. Repealer**

This Ordinance repeals Township Ordinance No. 110, Industrial Wind Energy Conversion System Moratorium Ordinance.

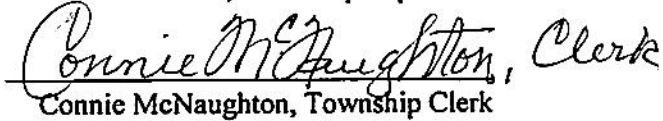
**Section 8. Effective Date**

This Ordinance shall become effective immediately upon publication as required by law following adoption by the Township Board.

The undersigned Supervisor and Clerk of the Township of Elmwood hereby certify that this Zoning Ordinance was duly adopted by the Township Board at the meeting held on the 3rd day of March, 2016, and was published the Tuscola County Advertiser on the 9<sup>th</sup> day of AUGUST 2016. This Zoning Ordinance shall take effect immediately upon publication.



Chris Graff, Township Supervisor



Connie McNaughton, Township Clerk