

**WINFIELD TOWNSHIP
MONTCALM COUNTY, MICHIGAN**

(Ordinances No. 2022-12-8)

At a regular meeting of the Township Board for Winfield Township held at Township Hall on December 8, 2022 and beginning at 7 p.m., the following Ordinance was offered for adoption by Township Board Member JULIA POTRATZ and was seconded by Township Board Member KENNETH BLOOM:

**AN ORDINANCE TO IMPOSE A MORATORIUM ON THE
CONSTRUCTION AND OPERATION OF OFFSITE WIND
ENERGY SYSTEMS, WIND ENERGY FACILITIES, AND
MET TOWERS.**

THE TOWNSHIP OF WINFIELD (the "Township") ORDAINS:

Section 1. Definitions.

- A. MET Tower: A meteorological tower used for the collection of wind data also known as an anemometer tower.
- B. Offsite Wind Energy System: A commercial Wind Energy System whose main purpose is to provide power to offsite consumers.
- C. Wind Energy Facility: A facility consisting of one or more Offsite Wind Energy Systems, MET Towers, and related substations, cables, wires, transmission lines, and other improvements.
- D. Wind Energy System (WES): Any system of components that converts wind energy into electricity and is commonly known as a wind turbine, including but not limited to, the turbine, blades, tower, and related electrical equipment.

Section 2. Findings and Purpose.

- A. Questions exist regarding the proper regulation of the construction and operation of Offsite Wind Energy Systems, Wind Energy Facilities, and MET Towers.
- B. The proper regulation of the construction and operation of Offsite Wind Energy Systems, Wind Energy Facilities, and MET Towers is necessary to protect the health, safety, and welfare of the public.
- C. The Township Board requires time to study and develop regulations regarding the construction and operation of Offsite Wind Energy Systems, Wind Energy Facilities, and MET Towers.

- D. A limited and temporary moratorium on the construction and operation of Offsite Wind Energy Systems, Wind Energy Facilities, and MET Towers is reasonable and necessary to protect the health, safety, and welfare of the public while the Township Board develops regulations regarding such activities.

Section 3. Prohibition. The construction and operation of Offsite Wind Energy Systems, Wind Energy Facilities, and MET Towers are prohibited.

Section 4. Violation and Penalty.

- A. A violation of this Ordinance constitutes a municipal civil infraction punishable by a fine of not less than one thousand dollars (\$1,000) and not more than ten thousand dollars (\$10,000) in addition to costs of prosecution and any other costs permitted at law.
- B. Each day during which any violation continues is deemed a separate offense.
- C. A violation of this Ordinance is declared to be a nuisance *per se* subject to abatement.
- D. Nothing in this Section 4 precludes the Township from pursuing other remedies available at law or equity.

Section 5. Enforcement. The Montcalm County Sherriff's Department, the Michigan State Police, the Township Ordinance Enforcement Officer, and any other individual or entity designated by resolution of the Township Board are authorized to enforce this Ordinance.

Section 6. Conflict.

- A. Nothing in this Ordinance will be construed in such a manner so as to conflict with existing Township ordinances except as otherwise stated herein.
- B. Nothing in the Ordinance shall be construed in such a manner so as to conflict with any law of the State of Michigan.

Section 7. Repealer. Any other ordinances in conflict with this Ordinance are, to the extent of such conflict, hereby repealed.

Section 8. Savings Clause. The provisions of this Ordinance are severable. If any part of this Ordinance is declared void or inoperable for any reason by a court of competent jurisdiction, such declaration does not void any or render inoperable any other part or portion of this Ordinance.

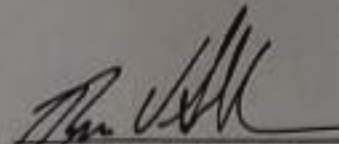
Section 9. Expiration. This Ordinance shall expire and be of no effect six (6) months following its effective date.

Section 10. Effective Date. This Ordinance is effective upon the expiration of the 30th day following its publication in the manner required by law.

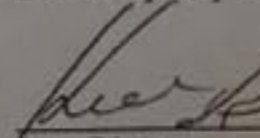
The vote regarding the adoption of this Ordinance was as follows:

YEAS: RYAN VANSOLKEMA, STEVE COLE, KATHY KILLINGER, JULIA POTRETZ, KENNETH Bloom
NAYS: — 0 —
ABSENT/ABSTAIN: — 0 —

ORDINANCE DECLARED ADOPTED



Ryan VanSolkema
Township Supervisor




Ken Bloom
Township Clerk



CERTIFICATION

I hereby certify that the above is a true copy of Ordinance No. ___ adopted by the Township Board for Winfield Township at the time, date, and place specified above pursuant to the required statutory procedures.

Respectfully submitted,

By: 

Ken Bloom
Township Clerk