

**TOWNSHIP BOARD
WINFIELD TOWNSHIP
MONTCALM COUNTY, MICHIGAN**

(Ordinance No. 11-9-23-2)

At a regular meeting of the Township Board for Winfield Township held at the Township Hall on NOV 9, 2023 and commencing at 7:00 p.m., the following Ordinance was offered for adoption by Township Board Member JULIA POTRATZ and was seconded by Township Board Member RYAN VANSELKENIA

AN ORDINANCE TO AMEND CHAPTER 2, SECTION 2.02 ENTITLED "DEFINITIONS - A;" CHAPTER 2, SECTION 2.04 ENTITLED "DEFINITIONS - C;" CHAPTER 2, SECTION 2.15 ENTITLED "DEFINITIONS - N;" AND CHAPTER 2, SECTION 2.23 ENTITLED "DEFINITIONS - W;" TO ENACT CHAPTER 3, SECTION 3.14, SUBSECTION 3.14(G) ENTITLED "ANEMOMETER TOWERS;" CHAPTER 3, SECTION 3.14, SUBSECTION 3.14(H) ENTITLED "NONCOMMERCIAL WIND ENERGY CONVERSION SYSTEMS;" CHAPTER 3, SECTION 3.28 "WIND ENERGY CONVERSION SYSTEMS;" CHAPTER 5, SECTION 5.03, SUBSECTION 5.03(O) ENTITLED "COMMERCIAL WIND ENERGY CONVERSION SYSTEMS;" AND CHAPTER 14 SECTION 14.07, SUBSECTION 14.07(WW) ENTITLED "COMMERCIAL WIND ENERGY CONVERSION SYSTEMS" OF THE ZONING ORDINANCE FOR WINFIELD TOWNSHIP.

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

Section 1. Amendment of Section 2.02. Chapter 2, Section 2.02 of the Zoning Ordinance for Winfield Township entitled "Definitions - A" is amended to add the term ANEMOMETER TOWER as follows:

ANEMOMETER TOWER - A structure, including all guy wires and accessory facilities, that has been constructed for the purpose of mounting an anemometer or similar equipment to collect and document wind data.

Section 2. Amendment of Section 2.04. Chapter 2, Section 2.04 of the Zoning Ordinance for Winfield Township entitled "Definitions - C" is amended to add the term COMMERCIAL WIND ENERGY CONVERSION SYSTEM as follows:

COMMERCIAL WIND ENERGY CONVERSION SYSTEM - A wind energy conversion system and any related buildings, structures, and equipment for which the principal design, purpose, or use is to provide energy for off-premises use or for the wholesale or retail sale of generated electricity to any person or entity. This term includes

all wind energy conversion systems that do not comprise a noncommercial wind energy conversion system.

Section 3. Amendment of Section 2.15, Chapter 2, Section 2.15 of the Zoning Ordinance for Winfield Township entitled "Definitions – N" is amended to add the term NONCOMMERCIAL WIND ENERGY CONVERSION SYSTEM as follows:

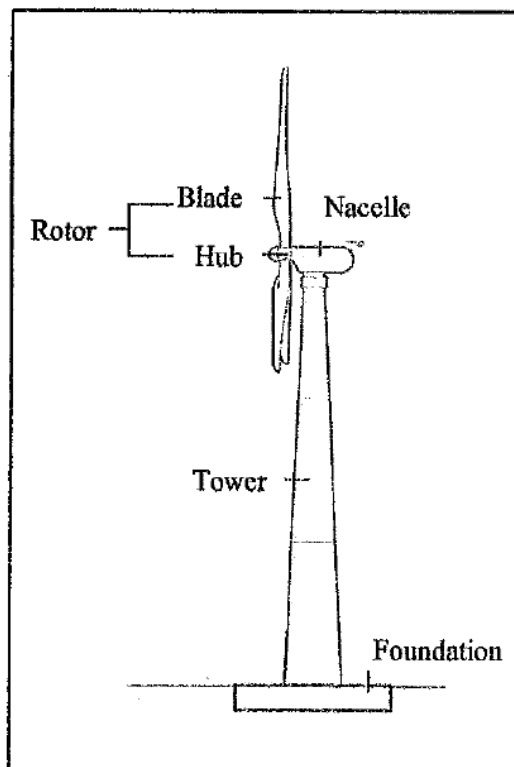
NONCOMMERCIAL WIND ENERGY CONVERSION SYSTEM - A wind energy conversion system and any related buildings, structures, and equipment for which the principal design, purpose, or use is to provide energy for on-premises use.

Section 4. Amendment of Section 2.23, Chapter 2, Section 2.23 of the Zoning Ordinance for Winfield Township entitled "Definitions – W" is amended and reads in its entirety as follows:

WASTE DUMPSTER - A container used for the temporary storage of rubbish, or materials to be recycled pending collection, having capacity of at least one (1) cubic yard.

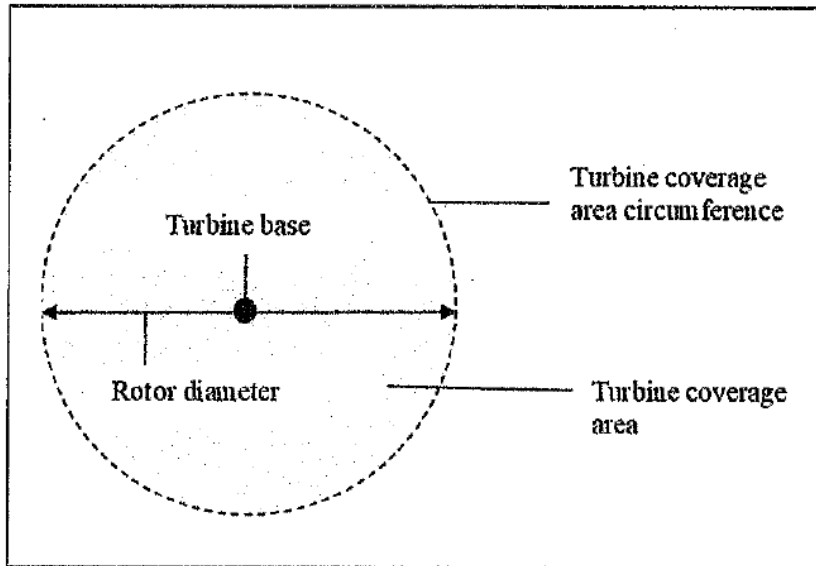
WIND ENERGY CONVERSION SYSTEM - Any part of a system, including but not limited to wind turbines, inverters, transformers, lines, wires, conduit, and cables that convert wind energy into electricity or any other form of usable energy.

WIND TURBINE - A device that converts wind energy into electrical energy. A wind turbine is generally comprised of a foundation, tower, rotor hub, rotor blades, and nacelle. See below figure.



WIND TURBINE COVERAGE AREA (Turbine coverage area) - The total area within a circle, that when viewed from above the wind turbine, is centered on the wind turbine base with a diameter equal to the rotor diameter. See below figure.

The term **WIND TURBINE COVERAGE AREA CIRCUMFERENCE (Turbine coverage area circumference)** - The circumference of the wind turbine coverage area. See below figure.

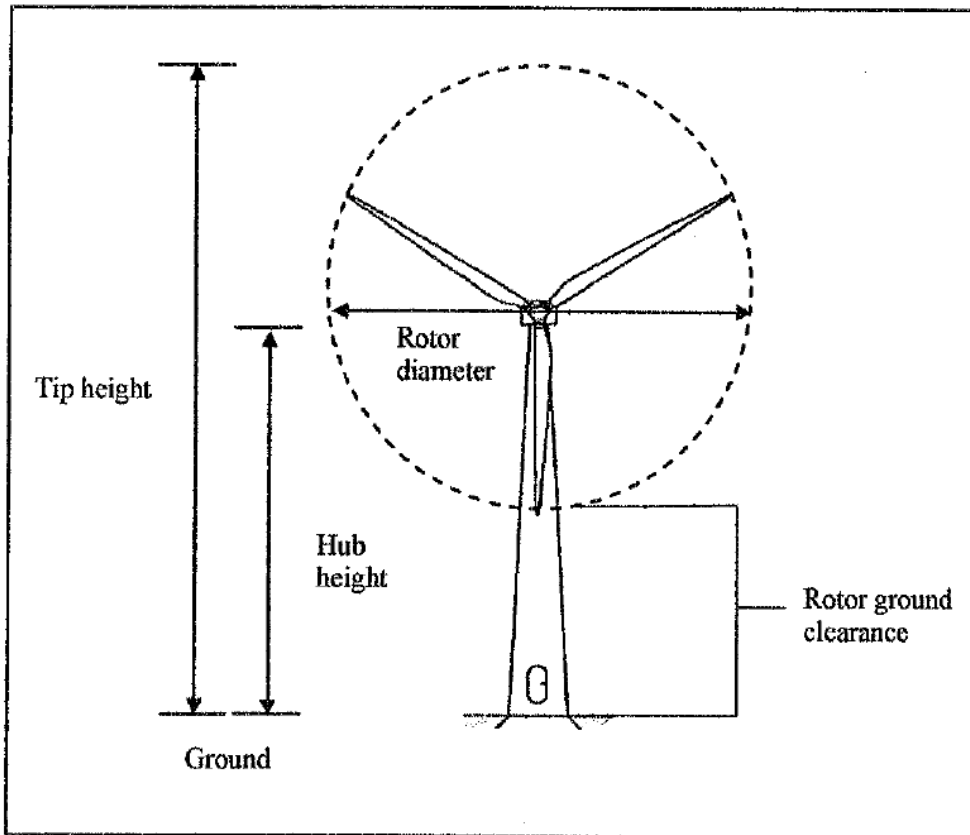


WIND TURBINE ROTOR DIAMETER (Rotor diameter) - The diameter of the circle swept by the wind turbine blades. See below figure.

WIND TURBINE ROTOR GROUND CLEARANCE (Rotor ground clearance) - The distance as measured from the ground to the tip of the rotor blade at its lowest vertical position. See below figure.

WIND TURBINE HUB HEIGHT (Hub height) - The distance as measured from the ground to the center of the rotor hub. See below figure.

WIND TURBINE TIP HEIGHT (Tip height) - The height above ground level equal to the distance as measured from the ground to the tip of the rotor blade at its most upright vertical position. See below figure.



WIRELESS COMMUNICATIONS TOWER, COMMERCIAL - A structure designed and constructed to support one or more antennas used for licensed telecommunication services including cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging, and similar services that are marketed to the general public.

Section 5. Enactment of Subsection 3.14(G). Chapter 3, Section 3.14, Subsection (G) of the Zoning Ordinance for Winfield Township entitled "Anemometer Towers" is enacted and reads in its entirety as follows:

G. Anemometer Towers

1. Anemometer towers are only permitted as an accessory use in the following districts: AG – Agricultural and RR – Rural Residential.
2. The maximum height of an anemometer tower may not exceed 300 feet.
3. The exemptions provided in paragraphs 3.14(A)(4) and 3.14(B)(5) do not apply to anemometer towers.
4. Unless otherwise provided in this subsection, anemometer towers must comply with the requirements of the zoning district in which they are located.

5. The minimum setback for an anemometer tower must be 1.1 x the tip height.

Section 6. Enactment of Subsection 3.14(H). Chapter 3, Section 3.14, Subsection (H) is of the Zoning Ordinance entitled "Noncommercial Wind Energy Conversion Systems" is enacted and reads in its entirety as follows:

H. Noncommercial Wind Energy Conversion Systems.

1. Noncommercial wind energy conversion systems are only permitted as an accessory use in the following districts: AG – Agricultural and RR – Rural Residential.
2. The exemptions provided in paragraphs 3.14(A)(4) and 3.14(B)(5) do not apply to noncommercial wind energy conversion systems.
3. Noncommercial wind energy conversion systems must comply with the requirements of the zoning district in which they are located.
4. Noncommercial wind energy conversion systems must comply with the following:
 - a. Wind turbines must be ground-mounted.
 - b. Wind turbines must have a minimum ground clearance of 15 feet.
 - c. Wind turbine tip height may not exceed the maximum building height of the district in which the wind turbine is located.
 - d. Minimum setback requirements for wind turbines, transformers, and inverters will be equal to the greater of the principal building setback for the district in which they are located, twice the height of the wind turbine, transformer, or inverter in question, or the manufacturer's recommendation. Wind turbine setbacks will be measured from the lot line to the turbine coverage area circumference.
 - e. Wind turbines will be included in maximum lot coverage calculations. Lot coverage for wind turbines will be calculated using the wind turbine coverage area.
 - f. To the extent feasible, unless otherwise required by the State of Michigan or federal agency having jurisdiction, all collection lines, wires, conduits, and cables must be located underground.
 - g. The noise pressure level generated by a noncommercial wind energy conversion system must not exceed 45 dB(A) L_{max} as measured at

the perimeter of the lot upon which it is located and any public rights-of-way.

- h. Wind turbines must be painted with a single, subdued, non-reflective, matte finish.
- i. Noncommercial wind energy conversion systems must be operated in accordance with all applicable laws, ordinances, codes, rules, and regulations.
- j. A noncommercial wind energy conversion system, or any part thereof, must be completely decommissioned and removed within 180 calendar days if it has not been in substantial operation for a period of one year. This includes a noncommercial wind energy conversion system, or any part thereof, that was never substantially operational, or if substantial construction has been halted for a period of one year.

Section 7. Enactment of Section 3.28. Chapter 3, Section 3.28 of the Zoning Ordinance for Winfield Township entitled "Wind Energy Conversion Systems" is enacted and reads in its entirety as follows:

Section 3.28 Wind Energy Conversion Systems.

- A. Unless authorized by and operated in strict compliance with the provisions of the Ordinance, anemometer towers, noncommercial wind energy conversion systems, and commercial wind energy conversion systems are prohibited within the Township.
- B. The purpose of the regulations in the Ordinance concerning anemometer towers and wind energy conversion systems is to protect the health, safety, and welfare of the residents of the Township; provide for the safe, effective, efficient, and orderly operation of commercial and noncommercial wind energy conversion systems within the Township; reduce the portion of compliance costs to be borne by the Township; protect and preserve historic agricultural and recreational activities within the Township; protect and preserve the Township's environmental and ecological assets, wetlands, and other ecological and environmentally sensitive areas; protect and preserve the open spaces, viewscapes, and rural aesthetics of the Township; maintain a reasonable balance of land uses; regulate and promote land uses consistent with the Township master plan; and to provide regulations that balance the often-competing interests of property owners, their neighbors, and the community.

Section 8. Enactment of Section 5.03(O). Chapter 5, Section 5.03, Subsection (O) of the Zoning Ordinance for Winfield Township "Commercial Wind Energy Conversion Systems" is enacted and reads in its entirety as follows:

O. Commercial Wind Energy Conversion Systems.

Section 9. Enactment of Subsection 14.07(WW). Chapter 14 Section 14.07, Subsection WW of the Zoning Ordinance for Winfield Township entitled "Commercial Wind Energy Conversion Systems" is enacted, added to the list of special land uses, and reads in its entirety as follows:

WW. Commercial Wind Energy Conversion Systems.

1. Definitions. Unless the context clearly indicates otherwise, the following definitions apply throughout this subsection 14.07(WW):
 - a. Abandonment. A commercial wind energy conversion system, or any portion thereof, is abandoned if it has not been in substantial operation for a period of one year. This includes a commercial wind energy conversion system, or any part thereof, that was never substantially operational, or if substantial construction has been halted for a period of one year.
 - b. Wetland. Wetland means that term as defined in Part 303 of the Natural Resources and Environmental Protection Act, PA 451 of 1994 (MCL 324.30301 *et seq.*) as amended.
2. Dual Principal Use.

Commercial wind energy conversion systems are permitted as a dual principal use in conjunction with the following principal uses: crop farming, animal or fowl husbandry, greenhouses and nurseries, and mining of natural resources (excluding forest-related programs).

3. Application Requirements. In addition to any other requirements imposed by the Ordinance, an application must contain the following:
 - a. The escrow deposit as required by paragraph WW(5).
 - b. The name, address, and phone number of the applicant, any authorized representatives of the applicant, the proposed operator if known, and the owners of the property being utilized as a part of the commercial wind energy conversion system.
 - c. Project description identifying the planned capacity in megawatts; construction sequence and timeline; development phases if any; rated useful life of wind turbines, transformers, and inverters; and possible future expansions.
 - d. If the applicant is not the property owner, an affidavit or evidence of an agreement establishing that the applicant has the permission of the property owner to apply for the special land use.

- e. Scaled renderings depicting the three typical views of the commercial wind energy conversion system including one view from the public road right-of-way.
- f. A site plan showing the size and location of all proposed buildings, structures, and equipment including but not limited to transformers by type, inverters by type, wind turbines by type; required setbacks; lot lines; signage; fences; vegetation; drainage systems; easements; public rights-of-way; private roads; floodplains; bodies of water; wetlands; lighting; proposed access routes; collection lines, and other wires, conduits, and cables; and land elevations. The site plan must be drawn to scale and must indicate how the commercial wind energy conversion systems will be connected to substations.
- g. Noise impact study and noise level map depicting and describing the predicted operational noise levels of the commercial wind energy conversion system as measured at the lot line of adjacent lots for which the principal use is not a commercial wind energy system and the perimeter of adjacent public rights-of-way.
- h. Noise mitigation and compliance plan describing how the operation of the commercial wind energy conversion system will comply with the noise requirements of the Ordinance.
- i. Shadow flicker study and map depicting and describing the predicted shadow flicker during the operation of the commercial wind energy conversion system upon public rights-of-way and lots for which the principal use is not a commercial wind energy conversion system.
- j. Shadow flicker mitigation and compliance plan describing how the operation of the commercial wind energy conversion system will comply with the shadow flicker requirements of the Ordinance.
- k. Electromagnetic signal interference study and map depicting and describing the predicted electromagnetic signal interference generated by the operation of the commercial wind energy conversion system upon public rights-of-way and lots for which the principal use is not a commercial wind energy conversion system.
- l. Electromagnetic signal interference mitigation and compliance plan describing the operation of the commercial wind energy conversion system will comply with the electromagnetic signal interference requirements of the Ordinance.
- m. Environmental and ecological impact studies detailing the effect the construction and operation of the commercial wind energy conversion systems will have on the lots for which the wind energy conversion

system is the principal use as well as the surrounding area. The impact study must address water resources, air quality, wildlife, floodplains, wetlands, unique farmlands or soils, erosion and sediment control, drainage, areas of aesthetic or historic importance, archeological or cultural concerns, neighboring properties, utilities and infrastructure, noise, light pollution, shadow flicker, waste disposal, and any other relevant factors.

- n. Environmental and ecological mitigation plan and compliance plan describing how the operation of the commercial wind energy conversion system will comply with the environmental and ecological requirements of the Ordinance and mitigate the environmental and ecological impact of the operation of the commercial wind energy conversion system. The environmental and ecological mitigation and compliance plan must address water resources, air quality, wildlife, floodplains, wetlands, unique farmlands or soils, erosion and sediment control, drainage, areas of aesthetic or historic importance, archeological or cultural concerns, utilities and infrastructure, noise, light pollution, shadow flicker, waste disposal, compliance with the requirements of Part 31 - Water Resources Protection, of the Natural Resources and Environmental Protection Act, Part 91 - Soil Erosion and Sedimentation Control, Part 301 - Inland Lakes and Streams, Part 303 - Wetlands, Part 365 - Endangered Species Protection, and any other relevant factors and regulations.
- o. A lighting plan demonstrating compliance with the requirements of the Ordinance.
- p. Demonstrated consultation with the U.S. Fish and Wildlife Service's Land-Based Wind Energy Guidelines.
- q. A transportation plan for construction and operational phases of the commercial wind energy conversion systems including any applicable agreements with the County Road Commission and the Michigan Department of Transportation.
- r. A decommissioning plan detailing how the requirements of paragraph WW(7) will be met.
- s. A decommissioning estimate that complies with the requirements of paragraph WW(8).
- t. The manufacturer's safety manual for the wind turbines to be used as part of the commercial wind energy conversion system.

- u. Any other documentation reasonably required to demonstrate the proposed commercial wind energy conversion system will comply with the requirements of this Ordinance.

4. Specific Requirements.

- a. Commercial wind energy conversion systems are only permitted on lots 20 acres in size or larger.
- b. Commercial wind energy conversion systems are prohibited on property enrolled in the Farm Land and Open Space Preservation Program under Part 361 of the Natural Resources and Environmental Protection Act, PA 451 of 1994 (MCL 324. 36101 *et seq.*), as amended.
- c. Wind turbines will be included in maximum lot coverage calculations. Lot coverage for wind turbines will be calculated using the wind turbine coverage area.
- d. Notwithstanding other building height restrictions, wind turbines are permitted up to but may not exceed a maximum tip height of 300 feet.
- e. Wind turbines must have a minimum ground clearance of 100 feet.
- f. Wind turbines must be painted with a single, subdued, non-reflective, matte finish.
- g. Wind turbines must be equipped with automatic braking, governing, and feathering systems consistent with industry best practices to prevent uncontrolled rotation or over-speeding.
- h. Wind turbines must have lightning protection consistent with industry best practices.
- i. Wind turbines must be equipped with ice-detection and ice-prevention or de-icing technology consistent with industry best practices in order to prevent unsafe operation and ice throws.
- j. Shadow flicker is prohibited on public rights-of-way and any on lot for which a commercial wind energy conversion system is not a principal use.
- k. Wind turbines, transformers, and inverters must be setback a minimum of 1,640 feet from all lot lines and public rights-of-way. Wind turbine setbacks will be measured from the lot line or the public right-of-way to the turbine area circumference. If a commercial wind energy conversion system is a principal use for more than one lot, the setbacks

requirements of this subparagraph 3(k) do not apply to the lot lines shared by those lots for which a commercial wind energy conversion system is a principal use.

- l. Wind turbines, transformers, and inverters must be setback a minimum of two miles from all lots with frontage on Winfield Lake, Indian Lake, or Krampe Lake, a minimum of 2,640 feet from Tamarack Creek, Handy Creek, and Rice Creek, and a minimum of 2,640 feet from all wetlands five acres in size or larger. Setbacks will be measured as the shortest straight-line distance from the edge of the respective lot, ordinary high water mark, or wetland boundary to the wind turbine coverage area circumference, transformer, or inverter.
- m. Consistent with industry best practices, lighting of the commercial wind energy conversion system must be limited to the minimum light necessary for safe operations. Lighting must comply with federal and state requirements and be wildlife-friendly to the extent feasible. Wind turbines must utilize Aircraft Detection Lighting Systems in order to minimize light pollution.
- n. The noise pressure level generated by the commercial wind energy conversion system must not exceed 45 dB(A) L_{max} as measured at the lot line of adjacent lots for which the principal use is not a commercial wind energy system and the perimeter of adjacent public rights-of-way. If a commercial wind energy conversion system is a principal use for more than one lot, the setbacks requirements of this subparagraph 4(n) do not apply to the lot lines shared by those lots for which a commercial wind energy conversion system is a principal use.
- o. To the extent feasible, unless otherwise required by the state or federal agency having jurisdiction, all wires, conduits, and cables connecting the wind turbines, transformers, inverters, and all collection lines must be located underground.
- p. Operator emergency contact information must be clearly displayed on each wind turbine.
- q. Commercial wind energy conversion systems must obtain and operate in accordance with all applicable governmental permits and approvals.
- r. Commercial wind energy conversion systems must be constructed and operate in accordance with all applicable laws, ordinances, codes, rules, and regulations.
- s. Commercial wind energy conversion systems must be constructed and operated in a manner that does not produce unreasonable negative environmental and ecological impacts.

- t. Commercial wind energy conversion systems must be constructed and operated in a manner that does not produce unreasonable electromagnetic interference.
- u. Drain tile and other drainage infrastructure must be properly maintained in working order.

5. Application Escrow Account.

- a. The applicant must fund an application escrow account with the Township at the time of application.
- b. The application escrow account must remain funded for 60 calendar days following the Township Board's final determination regarding the special land use application.
- c. The escrow account amount will be determined from time-to-time by resolution of the Township Board and is intended to cover the Township's cost related to the processing and reviewing of the application.
- d. The Township may draw upon the escrow account to cover the Township's actual costs related to the processing and reviewing of the application.
- e. The applicant will be entitled to the return of all unused funds of the escrow account 60 calendar days following the Township Board's final determination on the application.
- f. If the Township, requires the applicant to replenish the escrow account and the applicant fails to do so within 14 calendar days after receiving notice, the application will be deemed abandoned and the Township will take no further action regarding the application.
- g. The escrow account will be maintained by the Township consistent with the applicable Government Accounting Standard Board requirements. The Township may deposit escrow funds into any Township account with a depository financial institution. The Township need not segregate the escrow funds or deposit the escrow funds into an interest-bearing account. The applicant will not be entitled to any interest on the escrow funds.

6. Compliance Escrow.

- a. To ensure the proper and timely compliance with the requirements of the Ordinance and the special land use conditions of approval, the property owner must fund or cause to be funded a compliance escrow

account following approval of the special land use but prior to the issuance of any special land use permit or commencement of the approved use.

- b. The compliance escrow account must remain funded through the final decommissioning of the commercial wind energy conversion system.
- c. The compliance escrow account must be initially funded in an amount not less than \$20,000. The compliance escrow account must be maintained at a balance of not less than \$10,000.
- d. The Township may draw upon the compliance escrow account to cover the Township's actual costs related to investigations, enforcement, abatement, and other actions taken to commercial wind energy conversion system complies with the terms of the Ordinance and the special land use approval.
- e. The property owner will be entitled to the return of all unused funds of the compliance escrow account 60 calendar days following the final decommissioning.
- f. The escrow account will be maintained by the Township consistent with the applicable Government Accounting Standard Board requirements. The Township may deposit escrow funds into any Township account with a depository financial institution. The Township need not segregate the escrow funds or deposit the escrow funds into an interest-bearing account. The property owner will not be entitled to any interest on the escrow funds.

7. Decommissioning.

- a. A commercial wind energy conversion system, or any part thereof, must be fully decommissioned within 180 calendar days of abandonment.
- b. Decommissioning requires the complete removal and disposal of all commercial wind energy conversion system components, including but not limited to, buildings, structures, equipment to include transformers, inverters, wind turbines, wind turbine foundations; signage; fences; underground infrastructure; and collection lines, and other lines, wires, conduits, and cables. Within one growing season, the portion of the lots previously comprising the commercial wind energy conversion system from which buildings, structures, and equipment have been removed or where the soil was otherwise disturbed must be planted with perennials that will stabilize the soil and prevent soil erosion.

- c. The Township may draw upon the security posted pursuant to paragraph WW(8) and complete the decommissioning if the decommissioning as required by this paragraph WW(7) is not timely completed.

8. Decommissioning Financial Security.

- a. To ensure the proper and timely decommissioning of the commercial wind energy conversion system, the property owner must maintain or cause to be maintained financial security from the issuance of the special land use permit through the completion of the commercial wind energy conversion system's final decommissioning.
- b. The security must be in the form of 1) a noncancellable surety bond on terms and from a financial institution acceptable to the Township naming the Township as the sole beneficiary or 2) an irrevocable letter of credit on terms and from a financial institution acceptable to the Township naming the Township as the sole beneficiary. The duration of the security will be termed to the completion of the decommissioning of the commercial wind energy conversion system as required by paragraph WW(7).
- c. The amount of security will be determined by the Township Board on a case-by-case basis and will reasonably approximate 1.25 x the cost of decommissioning that portion of the commercial wind energy conversion system on the property in question. Such security amount will not include salvage values. The property owner will provide the Township with an initial decommissioning estimate at the time of application.
- d. The security will be reviewed every five years by the Township Board. If requested by the Township, the property owner will provide the Township Board with a then-current decommissioning estimate. Any increase or modification to the security must be provided to the Township within thirty calendar days of request.
- e. Required financial security must be filed with the Township Clerk following approval of the special land use, but prior to the issuance of any special land use permit or commencement of the approved use.

9. Insurance Requirements.

- a. In addition to any other insurance requirements imposed as a condition of the special land use approval, the property owner must maintain or cause to be maintained the following insurance coverage naming the Township as an additional insured from the issuance of the special

land use permit through the completion of the commercial wind energy conversion system's final decommissioning.

- (1) Commercial general liability insurance in an amount not less than \$2,000,000.00 for injury or damage arising out of a single occurrence.
 - (2) Liability insurance for sudden and accidental pollution and environmental contamination with minimum limits of \$500,000 and providing coverage for claims discovered within three years after the term of the policy.
- b. Insurance coverage must be on terms reasonably acceptable to the Township. The certificate of insurance must list the Township as the certificate holder and additional insured. The certificate of insurance must contain a clause stating that coverage may not be canceled, revoked, or modified without a minimum of thirty days' notice to the Township.
 - c. The required insurance must be on file with the Township Clerk following approval of the special land use, but prior to the issuance of any special land use permit or commencement of the approved use.

10. Penalty.

- a. A violation of this subsection 14.07(WW) or a condition of a commercial wind energy conversion system special land use permit constitutes a municipal civil infraction punishable by a fine of not less than \$1,000 and not more than \$10,000 in addition to costs of prosecution and any other costs permitted at law.

Section 10. Conflict.

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

Section 11. Repealer.

- A. Ordinance No. _____ entitled "AN ORDINANCE TO IMPOSE A MORATORIUM ON THE CONSTRUCTION AND OPERATION OF ANEMOMETER TOWERS, COMMERCIAL WIND ENERGY CONVERSION SYSTEMS, AND NONCOMMERCIAL WIND ENERGY CONVERSION SYSTEMS" is hereby repealed.

B. Any other ordinances in conflict with this Ordinance are, to the extent of such conflict, repealed.

Section 12. 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 13. Effective Date.

This Ordinance is effective upon the expiration of the seventh day following its publication in the manner required by law.

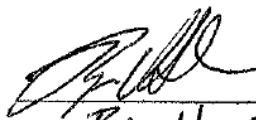
The vote regarding the adoption of this Ordinance was as follows:

YEAS: RYAN VAN SILKEMA, JULIA POTRATL, BRENDA ARUOZO, KENNETH BLOOM

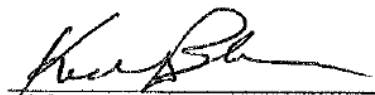
NAYS:

ABSENT/ABSTAIN: THERESA BENNETT-STATTON

ORDINANCE DECLARED ADOPTED.



Ryan Van Silkema
Township Supervisor

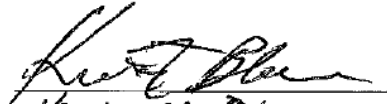


KENNETH BLOOM
Township Clerk

CERTIFICATION

I hereby certify that the above is a true copy of an Ordinance adopted by the Winfield Township Board at the date, time, and place as specified above, pursuant to the required statutory procedures.

Respectfully submitted,


KENNETH BLOOM
Township Clerk

Planning Commission Hearing: *OCT 23, 2023*
Adopted: *NOV 9, 2023*
Published: *NOV 17, 2023*
Effective: *NOV 24, 2023*

Amendment 1 to the wind Turbine ordinance 11-9-23-2

Preamble: The landowner PROPERTY OWNER is responsible for not causing harm to their neighbors' livelihood and health. This amendment is to alleviate that on the township's citizens and allow them to purchase another property so they can live without the effects of the wind turbines.

Should the landowner PROPERTY OWNER lease of their property to a wind turbine company and infrasound, or shadow flicker cause a neighbor ill effect then the landowner PROPERTY OWNER shall be obligated to purchase the property affected for 110% of market value, with annual increases, prior to installation of the wind turbines.

Should the state make the township wind ordinance null and void this amendment will become a self-standing ordinance without a vote from the board. Removing this from the township ordinance will require a simple majority vote from the electors.

MOTION BY KENNETH BLOOM TO ACCEPT THIS AMENDMENT,

Vote

yeas RYAN VAN SOLKEMA, JULIA POTRATZ, BRENDA ARNOLD, KENNETH BLOOM

Nays φ

ABSENT THERESA BENNETT-STRAITON



Kenneth Bloom
Clerk, Winfield Township

Motion by Julia Potratz to set the sound level at 45 dBA, Seconded by Ryan.

Vote

yeas RYAN VAN SOLKEMA, JULIA POTRATZ, BRENDA ARNOLD

Nays KENNETH BLOOM

ABSENT THERESA BENNETT-STRAITON

Amendment 2 to the wind Turbine ordinance 11-9-23-2

Preamble: The landowner PROPERTY OWNER is responsible for any structure placed upon their property. In regard to wind turbines placed upon their property by a wind turbine company by way of a lease of the grounds it is still the responsibility of the landowner PROPERTY OWNER for the life of the wind turbine. Should the wind turbine company go bankrupt the decommissioning falls upon the landowner PROPERTY OWNER.

Should the landowner PROPERTY OWNER lease their property to a wind turbine company, the landowner must carry a bond to decommission the wind turbine.

Should the state make the township wind ordinance null and void this amendment will become a self-standing ordinance without a vote from the board. Removing this from the township ordinance will require a simple majority vote from the electors.


MOTION BY KENNETH BLOOM TO ACCEPT THIS AMENDMENT

Vote

yeas RYAN VAN SOLKEMA, JULIA POTRATZ, BRENDA A. ROILD, KENNETH BLOOM

Nays Ø

ABSENT THERESA BENNETT-STRAITON


Kenneth Bloom
Clerk, Winfield Township